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3 GEORGE IV. 1

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A

TABLE

Containing the TITLES of all

THE STATUTES,

Passed in the THIRD Session of the SEVENTH Parliament

OF

The United Kingdom of *Great Britain* and *Ireland*;

3 GEORGE IV.

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DECLARED PUBLICK,

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vi. An Act for lighting with Gas the Town of *Bradford*, and the Neighbourhood thereof within the Parish of *Bradford*, in the West Riding of the County of *York*. *Ibid.*

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x. An Act for continuing the Term, and altering, amending and enlarging the Powers of several Acts passed for repairing the Roads from *Chappel Bar*, near the West End of the Town of *Nottingham*, to *Newhaven*; and from the *Four Lane Ends*, near *Oakerthorpe*, to *Ashbourne*; and from the Cross Post on *Wirksworth Moor* to join the Road leading from *Chesterfield* to *Chapel-en-le-Frith*, at or near *Longston* in the County of *Derby*; and from *Selstone* to *Annesley Wodehouse* in the County of *Nottingham*. *Ibid.*

xi. An Act for continuing the Term, and altering, amending and enlarging the Powers of the several Acts passed for repairing the Road from the Bars at *Boughton*, within the Liberties of the City of *Chester*, to *Whitchurch*, and from thence to *Newport* in the County of *Salop*, and other Roads in the said Acts mentioned, so far as relate to the First District of Roads in the said Acts mentioned; and for diverting a certain Part of the Road comprised within the said District. 800

xii. An Act for more effectually repairing the Roads from *Nether Bridge* to *Leven's Bridge*, and from thence through the Town of *Millthrop* to *Dixes*; and from the Town of *Milthrop* to *Hangbridge*, and from thence to join the *Heronsyke* Turnpike Road, near *Clawthrop Hall* in the County of *Westmorland*. *Ibid.*

xiii. An Act for making and maintaining a Road from *Brighton* to *Shoreham Bridge* in the County of *Sussex*. *Ibid.*

xiv. An Act for lighting and watching, and for regulating the Police within the Township of *Chorlton Row* in the County of *Lancaster*. *Ibid.*

xv. An Act for lighting the Town and Port of *Dovor*, and Places adjacent, in the County of *Kent*, with Gas. *Ibid.*

xvi. An Act for continuing the Term and altering the Powers of Three Acts, for repairing the Roads leading from the *Ryeway* in the Parish of *Yarpole* in the County of *Hereford* to *Presteigne* in the County of *Radnor*, and several other Roads therein mentioned in the said County of *Radnor*, and in the Counties of *Hereford* and *Salop*. *Ibid.*

xvii. An Act for altering and enlarging the Terms and Powers of certain Acts, so far as the same relate to the Roads from *Inchbelly Bridge* to *Glasgow*, and leading over *Garngad Hill* to *Provan Mill*, and other Roads branching therefrom or connected therewith. 801

xviii. An Act for further continuing, until the First Day of *August* One thousand eight hundred and twenty five, and from thence to the End of the then next Session of Parliament, the Powers granted by an Act of the Forty sixth Year of His late Majesty, for enabling the Commissioners acting in Execution of an Agreement made between the *East India* Company and the private Creditors of the Nabobs of the *Carnatic*, the better to carry the same into effect. *Ibid.*

xix. An Act for erecting and endowing a Church in the Town of *Liverpool* in the County Palatine of *Lancaster*, to be called *Saint*

Saint Luke's Church; and for reviving and amending an Act of the Twenty first Year of King *George* the Second, so far as relates to *Saint Thomas's Church*. *Page* 801

xx. An Act for altering and enlarging the Powers of an Act made in the Forty sixth Year of King *George* the Third, for repairing the Parish Church of *Great Yarmouth*, in the County of *Norfolk*, and rebuilding the Tower thereof. *Ibid.*

xxi. An Act to alter, amend and explain the several Acts passed for improving and rendering more commodious the Port and Harbour of *Bristol*. *Ibid.*

xxii. An Act for further continuing the Duties and altering the Powers granted by Six several Acts of their late Majesties King *George* the Second and King *George* the Third, for enlarging the Piers and Harbour of *Scarborough* in the County of *York*. *Ibid.*

xxiii. An Act to amend an Act for draining and improving Lands in the Parishes of *Bray*, *White Waltham*, *Shottesbrook*, *Lawrence Waltham*, *Binfield*, *Ruscomb*, *Wargrave*, *Remenham* and *Hurley*, in the County of *Berks*, and the Liberties of *Whistley* and *Broad Hinton*, in the Parish of *Hurst*, in the Counties of *Berks* and *Wilts*. 802

xxiv. An Act for the Employment, Maintenance and Regulation of the Poor of the City of *Bristol*; and for altering the Mode of assessing the Rates for the Relief of the Poor, and certain Rates authorized to be raised and levied within the said City by certain Acts for improving the Harbour there, and for paving, pitching, cleansing and lighting the same City; and for the Relief of the Churchwardens and Overseers from the collecting of such Rates; and for amending the Act for paving, pitching, cleansing and lighting the said City. *Ibid.*

xxv. An Act for lighting, paving, cleansing, watching and improving the Town of *Barnsley* in the West Riding of the County of *York*. *Ibid.*

xxvi. An Act to amend the Powers and Provisions of an Act of His late Majesty, for paving, cleansing, lighting, watching and regulating the Streets and other Public Places within the City of *Durham* and Borough of *Framwelgate*, and Suburbs thereof, and Streets thereto adjoining, and other Purposes relating thereto. *Ibid.*

xxvii. An Act for lighting, paving, cleansing, watching and otherwise improving the Town of *Alnwick*, in the County of *Northumberland*. *Ibid.*

xxviii. An Act for regulating, maintaining and improving the Premises in the City of *Edinburgh* termed *Queen Street Gardens*, and for effecting certain other Improvements in the Vicinity thereof, and connected therewith. *Ibid.*

xxix. An Act for incorporating the *Warwick* Gas Light Company. 803

xxx. An Act for lighting with Gas the Town and Township of *Halifax*, and the Neighbourhood thereof, within the Parish of *Halifax*, in the West Riding of the County of *York*. *Ibid.*

xxxi. An Act for lighting with Gas the Town and Borough of *Wigan* in the County Palatine of *Lancaster*. *Ibid.*

xxxii. An

xxxii. An Act for lighting the Town of *Leith* and its Vicinity with Gas, and other Purposes relating thereto. *Page* 803
xxxiii. An Act for lighting with Gas the Town and Borough of *Stockton*, in the County of *Durham*. *Ibid.*
xxxiv. An Act for better supplying the City of *Canterbury* and the several Streets and Roads adjoining thereto with Gas. *Ibid.*
xxxv. An Act for incorporating the *Warrington* Gas Light Company. *Ibid.*
xxxvi. An Act for repairing and maintaining the Roads leading from the End of *Culham Bridge* next to *Culham* in the County of *Oxford*, to the End of *Burford Bridge* next to *Abingdon* in the County of *Berks*; and from the *Mayor's Stone* at the End of *Boar Street* in the Town of *Abingdon*, to the West End of the Town of *Fyfield* in the same County. *Ibid.*
xxxvii. An Act for amending, widening, altering and keeping in Repair the Road from the upper Part of *Leeming Lane*, in the Town of *Mansfield*, opposite to the End of *Bath Lane*, to the Turnpike Road leading from *Worksop* to *Kelham*, at or near the Corner of *Worksop Brecks*, all in the County of *Nottingham*. *Ibid.*
xxxviii. An Act for amending, widening, altering and keeping in Repair the Road from the Eastern End of *Potter Street*, in the Town of *Worksop*, to the Bridge over the *Chesterfield* Canal, leading into the Town of *West Retford* in the County of *Nottingham*. 804
xxxix. An Act for continuing the Term and altering and enlarging the Powers of an Act of the Forty second Year of the Reign of His late Majesty King *George* the Third, for repairing and improving the Road leading from the City of *Canterbury* to the Town of *Ramsgate* in the County of *Kent*; and for suspending and varying for a further limited Time so much of an Act passed in the Twenty seventh Year of the Reign of His said late Majesty, as relates to the Toll Gate and to the Tolls payable by virtue of the said Act, on the Road leading from the said City of *Canterbury* to the *Isle of Thanet* in the said County of *Kent*; and for altering the Line of certain Parts of the said Road. *Ibid.*
xl. An Act for continuing the Term and altering and enlarging the Powers of an Act of the Forty second Year of the Reign of His late Majesty King *George* the Third, for repairing and improving the Road from the City of *Canterbury* to the Town and Port of *Sandwich* in the County of *Kent*. *Ibid.*
xli. An Act for continuing the Term, and altering, amending and enlarging the Powers of several Acts for repairing the Roads therein mentioned, in the Counties of *Denbigh* and *Flint*, so far as relate to the Road from *Ruthin* in the County of *Denbigh* to *Mold* in the County of *Flint*. *Ibid.*
xlii. An Act for more effectually repairing several Roads leading from the Town of *Shrewsbury*, and from *Shelton*, in the County of *Salop*, to *Minsterley*, *Westbury*, and *Baschurch*, in the said County of *Salop*, and to or near to *Buttington Hall*, in the County of *Montgomery*: and for repealing Three Acts, severally passed in the Thirty first Year of King *George* the Second, and

and the Twelfth and Forty first Years of His late Majesty, relative thereto. *Page* 804

xliii. An Act for continuing the Term and enlarging the Powers of several Acts passed for repairing the Roads therein mentioned, in the Counties of *Denbigh*, *Flint* and *Carnarvon*, so far as relate to the Road from *Wrexham* to *Denbigh*, in the County of *Denbigh*, and for amending the Road from *Ruthin* to *Cerniogemawr*, in the Parish of *Llanufydd*, in the County of *Denbigh*. 805

xliv. An Act for the more effectually repairing the Road from *Harlow Bush Common* in the Parish of *Harlow*, to *Woodford* in the County of *Essex*, and the Road from *Epping*, through the Parishes of *Northweald*, *Basset*, *Bobbingworth*, *High Ongar*, *Chipping Ongar* and *Shelley*, to the *Four Want Way* in the Parish of *Shelley*, and from thence through the Parishes of *High Ongar* and *Norton Mandeville*, to the Parish of *Writtle* in the said County. *Ibid.*

xlv. An Act for more effectually repairing and maintaining the District of Roads in the County of *Edinburgh*, termed *The Leith Walk District*, and for other Purposes relating thereto; and for altering and increasing the Conversions and defining the Bounds of the Middle District of Roads in the said County. *Ibid.*

xlvi. An Act for continuing the Term, and altering, amending and enlarging the Powers of an Act of His late Majesty's Reign, for repairing the Road from the Borough of *Leicester* in the County of *Leicester*, to the Town of *Uppingham* in the County of *Rutland*, and to *Wansford* and *Peterborough*, both in the County of *Northampton*. *Ibid.*

xlvii. An Act to enlarge the Term and Powers of several Acts passed for repairing and widening the Road from *The Hand and Post* in *Upton Field* in the Parish of *Burford* in the County of *Oxford*, to a Place in the Parish of *Preston*, in the County of *Gloucester*, called *Dancy's Fancy*. *Ibid.*

xlviii. An Act for more effectually repairing and widening the Roads from *Spann Smithy*, through *Middlewich*, and by *Spittle Hill* in *Stanthorn*, to *Winsford Bridge*, and from *Spittle Hill* to *Northwich*, in the County Palatine of *Chester*. 806

xlix. An Act for more effectually repairing and improving the Roads leading from *Bishops' Castle*, and from *Montgomery*, to the Road at *Westbury*, and from *Brockton* to the Road at *Minsterley*, and other Roads therein mentioned, in the Counties of *Salop*, *Radnor* and *Montgomery*; and for amending, widening and improving several other Roads therein mentioned, in the said County of *Salop*. *Ibid.*

l. An Act for more effectually repairing the Road from the North End of a Lane called *Rosemary Lane* in the Township of *Broughton*, to the Town of *Mold* in the County of *Flint*, and for diverting a Part of the said Road, and for making a new Branch of Road to communicate with the said Road. *Ibid.*

li. An Act to alter and enlarge the Term and Powers of an Act of His late Majesty, for the making, repairing, lighting, watching and watering certain Roads leading from the Borough of *Plymouth* to *Stonehouse Bridge* and *Plymouth Dock* in the County of

of *Devon*; and for regulating the Stands and Fares of Hackney Coaches and Carts using the same. *Page* 806
lii. An Act for more effectually making, repairing and improving the Road leading from *Reading* in the County of *Berks*, to *Basingstoke* in the County of *Southampton*. *Ibid.*
liii. An Act for enabling the *Gloucester* and *Berkeley* Canal Company to raise a further Sum of Money to discharge their Debts, and to complete said Canal, and for amending the several Acts passed for making the said Canal. *Ibid.*
liv. An Act for erecting a Bridewell for the County of *Lanark* and City of *Glasgow*. 807
lv. An Act for building a new Gaol and a new House of Correction in and for the Town and County of *Newcastle-upon-Tyne*; and for other Purposes relating thereto. *Ibid.*
lvi. An Act for facilitating the Collection of certain Tolls payable to the Mayor and Burgesses of *Newcastle-upon-Tyne*. *Ibid.*
lvii. An Act to establish a Market for the Sale of Butcher's Meat and other Articles, and to repair and amend certain Roads in the Town or Tithing of *Bognor* in the County of *Sussex*. *Ibid.*
lviii. An Act for providing an additional Market Place in and for the Town of *Rochdale* in the County Palatine of *Lancaster*. *Ibid.*
lix. An Act for altering and enlarging the Powers of an Act of His late Majesty King *George* the Third, for paving the Footways, and for cleansing, lighting and watching the Town of *Chelmsford* and Hamlet of *Moulsham*, in the Parish of *Chelmsford*, in the County of *Essex*. *Ibid.*
lx. An Act for amending and enlarging the Powers and Provisions of an Act of His late Majesty King *George* the Third, intituled *An Act for paving and otherwise improving the Town of* Tiverton *in the County of* Devon, and for lighting the said Town. *Ibid.*
lxi. An Act for amending and improving the Roads leading from *Tiltup's Inn* in the Parish of *Horsley*, to or near *Dudbridge* in the Parish of *Rodborough*, and from the Bridge at *Nailsworth* to *The Cross Post* on *Minchinhampton Common*, and other Roads thereto adjoining; and for making a new Piece of Road from the said Bridge to *The Cross* in the Parish of *Avening*, all in the County of *Gloucester*. *Ibid.*
lxii. An Act for amending and keeping in repair the Road from the Turnpike Gate at the Bottom of *White Street Hill*, in the Parish of *Donhead Saint Andrew*, in the County of *Wilts*, through the Towns of *Shaftesbury*, *Milborne Port* and *Sherborne*, in the Counties of *Dorset* and *Somerset*, to the *Half-way House* in the Parish of *Nether*, otherwise *Lower Compton*, in the said County of *Dorset*, and several other Roads communicating therewith. 808
lxiii. An Act to enlarge the Term and Powers of several Acts for repairing and widening the Road from the Market House in *Tetbury* to the Turnpike Road on *Minchinhampton Common*, and several other Roads therein mentioned, all in the County of *Gloucester*, so far as the same Acts relate to the Second District of Roads therein mentioned. *Ibid.*

lxiv. An Act for amending and maintaining the Road from *Whitchurch* to *Ternhill*, in the County of *Salop*. *Page* 808
lxv. An Act to repeal several Acts passed for repairing several Roads leading to the Town of *Bridgewater* in the County of *Somerset*, and several other Roads therein mentioned, so far as the said Acts relate to the Roads leading to the said Town, and to consolidate and comprise the same in One Act of Parliament. *Ibid.*
lxvi. An Act for more effectually improving the Roads leading from the East Side of *Lincoln Heath* to the City of *Peterborough*, and several other Roads therein mentioned, in the Counties of *Northampton* and *Lincoln*; and for making a new Branch of Road to communicate with the said Roads, from *Bourn* to *Spalding* in the said County of *Lincoln*. *Ibid.*
lxvii. An Act for enlarging the Term and Powers of several Acts passed for repairing the Road from the Town of *Guldeford* to the Directing Post near the Town of *Farnham* in the County of *Surrey*. *Ibid.*
lxviii. An Act for more effectually repairing the South District of the Road from *Royston* in the County of *Hertford*, to *Wandesford Bridge* in the County of *Huntingdon*. 809
lxix. An Act for repairing and amending several Roads leading to and from the Borough of *Evesham* in the County of *Worcester*, and several other Roads in the Counties of *Worcester* and *Gloucester*. *Ibid.*
lxx. An Act for repairing, widening and maintaining the Road leading from *Dartford* to and through *Northfleet* and *Gravesend*, and thence to the *Stones End*, near the Parish Church of *Strood* in the County of *Kent*. *Ibid.*
lxxi. An Act for erecting a new Church in the Parish of *Greenwich* in the County of *Kent*, and vesting the same and the Scite thereof in Trustees; and for making Provisions respecting the same. *Ibid.*
lxxii. An Act for building a new Gaol and House of Correction for the City and County of the City of *Coventry*. *Ibid.*
lxxiii. An Act for converting the Gaol and House of Correction of the County of *Pembroke* into a Gaol for the said County, and for the Town and County of the Town of *Haverfordwest*; and for applying the Gaol of the said Town and County of the Town of *Haverfordwest* to the Purposes of a Lunatic Asylum. *Ibid.*
lxxiv. An Act to enable the Justices of the Peace for the Divisions of *Lindsey*, *Kesteven*, and *Holland*, in the County of *Lincoln*, to take down the present County Hall for the said County, and to erect a convenient Hall instead thereof, with suitable Offices and other Accommodations. *Ibid.*
lxxv. An Act to amend Two Acts of the Forty ninth and Fiftieth Years of His late Majesty, for making the *Severn* and *Wye* Railway and Canal. *Ibid.*
lxxvi. An Act to alter, amend and enlarge the Term and Powers of an Act passed in the Fifty ninth Year of His late Majesty, for erecting and maintaining Ferries across the River *Tay*, in the Counties of *Fife* and *Forfar*. 810
lxxvii. An

lxxvii. An Act to repeal so much of an Act of the Twenty sixth Year of His late Majesty as relates to the supplying the Town of *Liverpool*, in the County Palatine of *Lancaster*, with Water, and to grant other Powers for supplying the said Town and Port, and the Shipping resorting thereto, with Water. *Page* 810

lxxviii. An Act for watching, cleansing and lighting the Streets of the City of *Edinburgh*, and adjoining Districts; for regulating the Police thereof; and for other Purposes relating thereto. *Ibid.*

lxxix. An Act for the Establishment of Markets for the Sale of Corn and other Articles in the City of *Cork*. *Ibid.*

lxxx. An Act to enlarge and amend an Act of His late Majesty, for lighting the City and Suburbs of *Glasgow* with Gas. *Ibid.*

lxxxi. An Act to alter and enlarge the Powers of an Act of His late Majesty King *George* the Third, for paving, lighting, cleansing, watering and watching that Part of the Parish of *Saint Pancras* in the County of *Middlesex* called *Somers Town*. *Ibid.*

lxxxii. An Act for watching, lighting, watering, cleansing, gravelling and otherwise improving the Foot, Carriage and other Public Ways, on certain Lands and Grounds in the Parish of *Saint Pancras* in the County of *Middlesex*, called *Camden Town*. *Ibid.*

lxxxiii. An Act to amend an Act of the Forty third Year of His late Majesty, for paving, cleansing and lighting the Town of *Alloa*, and for other Purposes therein mentioned. *Ibid.*

lxxxiv. An Act for altering, amending and enlarging the Powers of Three several Acts, made in the Thirty fifth, Forty sixth and Fifty third Years of the Reign of His late Majesty King *George* the Third, for regulating the Nightly Watch and Beadles, and for paving, repairing, cleansing and lighting the Parish of *Saint Mary-le-bone* in the County of *Middlesex*, and for the better Relief and Maintenance of the Poor thereof, and for divers other Purposes therein mentioned, and for making more effectual Provision for those Purposes. 811

lxxxv. An Act for amending the several Acts in force for making wide and convenient Streets, Ways and Passages in the City of *Cork* and the Suburbs thereof; and for paving, cleansing, lighting and otherwise improving the said City; and for regulating the Court of Conscience established therein. *Ibid.*

lxxxvi. An Act for continuing the Term, and altering and enlarging the Powers of several Acts, passed in the Reign of King *George* the Second and His late Majesty King *George* the Third, for repairing the Road from *Westwood Gate* in the County of *Bedford*, through *Rushden* and *Higham Ferrers*, and over *Artleborough Bridge* to *Barton Seagrave Lane*, in the County of *Northampton*. *Ibid.*

lxxxvii. An Act for more effectually amending, improving and keeping in Repair the Roads leading from certain Bridges over the River *Wye*, called *Whitney Bridge* and *Bredwardine Bridge*, in the County of *Hereford*, towards the Town of *Hay* in the County of *Brecon*. *Ibid.*

lxxxviii. An Act for more effectually repairing and improving

the Road from a Place called the *Old Gallows*, in the Parish of *Sonning*, otherwise *Sunning*, in the County of *Berks*, through *Wokingham*, *New Bracknowl*, and *Sunninghill*, to *Virginia Water*, in the Parish of *Egham* in the County of *Surrey*. *Page* 811

lxxxix. An Act to continue the Term and alter and enlarge the Powers of an Act of His late Majesty King *George* the Third, for more effectually amending, widening, improving and keeping in Repair several Roads leading from the *Hundred House* in the County of *Worcester*, and also several other Roads therein mentioned. *Ibid.*

xc. An Act for more effectually repairing the Road from the Guide Post, near the End of *Drayton Lane*, near *Banbury* in the County of *Oxford*, to the House called the *Sun Rising*, at the Top of *Edge Hill*, in the County of *Warwick*. 812

xci. An Act for continuing and amending Three Acts of His late Majesty, for repairing the Road from *Old Stratford* in the County of *Northampton*, to *Dunchurch* in the County of *Warwick*. *Ibid.*

xcii. An Act for more effectually repairing the Road between *Great Marlow* and *West Wycombe*, and between *Terwick* and *Aylesbury*, in the County of *Buckingham*; and for making and maintaining Two new Pieces of Road communicating therewith. *Ibid.*

xciii. An Act for repairing, altering, and improving the Road from *The Stone Pillar* or *Cross Hand* in the Parish of *Chippenham* in the County of *Wilts*, to or near *Knox Bridge* in the Parish of *Westerleigh* in the County of *Gloucester*, and several other Roads therein mentioned, in the said Counties of *Gloucester* and *Wilts*. *Ibid.*

xciv. An Act for repairing and improving several Roads leading to and from the Town of *Caerleon* in the County of *Monmouth*. *Ibid.*

xcv. An Act for more effectually repairing the Road leading from *The Cross-of-Hand* near *Finford Bridge* in the County of *Warwick*, through the Town of *Southam* in the same County, to the Borough of *Banbury* in the County of *Oxford*. *Ibid.*

xcvi. An Act for continuing the Term and enlarging the Powers of an Act of the Forty-first Year of His late Majesty King *George* the Third, *for repairing the Road from the Town and Port of* Dover *to the Town and Port of* Sandwich, *and also the Road from the present Turnpike Road leading from* Dover *to* Barham Downs, *up* Kersney Court Hill *to the Parish of* Whitfield, *otherwise* Beausfield, *in the County of* Kent. 813

xcvii. An Act to continue the Term and Powers of Three several Acts, for repairing and widening the Road from the *Swan Inn* at *Leatherhead* to the *May Pole* at the Upper End of *Spital* or *Somerset Street*, in the Parish of *Stoke*, near the Town of *Guldeford*, in the County of *Surrey*. *Ibid.*

xcviii. An Act for making, widening, repairing, and maintaining certain Roads leading to and from the Town of *Honiton* in the County of *Devon*. *Ibid.*

xcix. An Act for amending and repairing the Roads from *Minehead* in the County of *Somerset*, to *Batham Bridge* in the Town of

of *Bampton* in the County of *Devon*; and for making a new Branch of Road to communicate therewith. *Page* 813

c. An Act for amending, widening and keeping in Repair the Roads leading from the Town of *Northampton* to *Chain Bridge* near the Town of *Market Harborough*, and from the Direction Post in *Kingsthorpe* to *Welford Bridge*, all in the County of *Northampton*. *Ibid.*

ci. An Act for more effectually amending and repairing the Road from *Cirencester* in the County of *Gloucester*, to the Town Bridge in *Cricklade* in the County of *Wilts*. 814

cii. An Act for erecting and maintaining a Chain Pier and other Works connected therewith, at the Town of *Brighthelmston*, in the County of *Sussex*. *Ibid.*

ciii. An Act for raising Money on the Credit of the County Rates, for the Purpose of rebuilding and repairing certain Bridges in the County of *Westmorland*. *Ibid.*

civ. An Act to rectify Mistakes in an Act of this Session of Parliament, for making the Road from *Brighton* to *Shoreham Bridge* in the County of *Sussex*. *Ibid.*

cv. An Act for repairing, widening and maintaining several Roads in the Counties of *Dorset* and *Devon*, leading to and through the Town of *Axminster*. *Ibid.*

cvi. An Act to repeal the Acts now in force relating to Bread to be sold in the City of *London* and the Liberties thereof, and within the Weekly Bills of Mortality, and Ten Miles of the *Royal Exchange*; and to provide other Regulations for the Making and Sale of Bread, and preventing the Adulteration of Meal, Flour and Bread, within the Limits aforesaid. *Ibid.*

cvii. An Act for regulating the Office of Treasurer, and altering and amending the Acts now in force for assessing, collecting and levying of County Rates, so far as the same relate to the County of *Middlesex*. 830

cviii. An Act for more effectually repairing the Road leading from the City of *Cork* to the Town of *Skibbereen* in the County of *Cork*, and a Branch therefrom communicating with the Town of *Kinsale* in the said County. 839

cix. An Act for removing the Waterworks at *London Bridge*. *Ibid.*

cx. An Act for making certain Roads in the Counties of *Lanark*, *Stirling* and *Dumbarton*. 850

cxi. An Act for further continuing, altering and amending several Acts for the better Regulation of Lastage and Ballastage in the River *Thames*; and for enabling the Corporation of *Trinity House* of *Deptford Strond* to reduce, alter, modify, relinquish or abolish Dues payable to the said Corporation, and for other Purposes connected therewith. *Ibid.*

cxii. An Act for more effectually amending certain Roads in the several Parishes of *Lambeth*, *Newington*, *Saint George Southwark*, *Bermondsey*, and *Christ Church*, in the County of *Surrey*, and for watching, lighting and otherwise improving the said Roads. *Ibid.*

cxiii. An Act for the better Regulation of the Fund called *The Orphans' Fund*. *Ibid.*

cxiv. An Act to confirm an Agreement entered into between the Trustees of the Subscribers to the *Gaelic* Chapel and the *Caledonian*

donian Asylum, and to indemnify the Asylum against certain Covenants in an Indenture of Appointment and Bargain and Sale entered into by the said Asylum in favour of the said Trustees, and to vest in the *Caledonian* Asylum the Fee Simple of the Messuage and Chapel described in the above Indenture. *Page* 853

PRIVATE ACTS,

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1. AN Act for inclosing Lands in the Manor of *Cokaynes* and *Kelars*, otherwise *Rebandyshide*, in the Parishes of *Elmstead* and *Alresford* in the County of *Essex*, being a Member or Part of the Manor of *Wivenhoe* in the said County. *Page* 854

2. An Act for carrying into Execution a Contract entered into by *Christopher Fenwick* Esquire, for the Sale of certain settled Copyhold Hereditaments in the Township of *Earsdon*, within the Manor of *Tynemouth*, in the County of *Northumberland*, to the Most Noble *Hugh* Duke of *Northumberland*, and for applying the Money thence arising in the Purchase of other Estates, to be settled in lieu thereof. *Ibid.*

3. An Act for inclosing Lands in the Parishes of *Brabourne*, *Smeeth*, *Bircholt* and *Sellinge*, in the County of *Kent*. *Ibid.*

4. An Act for inclosing Lands within the Manor of *Seaton* in the Parish of *Camerton* in the County of *Cumberland*, and in the Parish, Township or Hamlet of *Flimby*, in the said County. *Ibid.*

5. An Act for inclosing Lands in the Manor and Parish of *Bobbington*, in the several Counties of *Stafford* and *Salop*. 855

6. An Act for inclosing, and exonerating from Tithes, Lands in the Parish of *Clifton Reynes* in the County of *Buckingham*. *Ibid.*

7. An Act for inclosing Lands within the Parishes or Chapelries of *Ellingham* and *Ibsley* in the County of *Southampton*. *Ibid.*

8. An Act for inclosing Lands in the Parish of *Sturton*, otherwise *Sturton in the Clay*, otherwise *Sturton in the Steeple*, and in the Parish or Chapelry of *Littleborough*, otherwise *Littlebrough*, in the County of *Nottingham*, and for exonerating the same, and also the old inclosed Lands and Grounds within the said Parishes respectively, from the Payment of Tithes. *Ibid.*

9. An Act for inclosing Lands in the Parish of *Wingfield* in the County of *Wilts*. *Ibid.*

10. An Act for confirming certain Articles of Agreement between *George Drake* Esquire and others, and *Samuel Parker*, and to authorize the granting of Leases of Mines in the County of *Cornwall*. *Ibid.*

11. An Act for vesting Part of the settled Estates of *Walter Ker* Esquire, and *Jane* his Wife, in the County of *Northumberland* (contracted to be sold to the Most Noble the Duke and Earl of *Northum-*

Northumberland), upon Trust to complete the Sale thereof, and to apply the Purchase Money in Discharge of a Mortgage affecting the same Estates. *Page* 856

12. An Act for vesting the Lands and Barony of *Dryden*, and certain other entailed Estates of Sir *Charles Macdonald Lockhart* Baronet, in Trustees, to be sold; and for laying out the Prices thereof in the Purchase of other Lands and Estates more conveniently situated, to be entailed in a similar Manner. *Ibid.*

13. An Act for inclosing Lands in the Township of *South Dalton*, in the Parish of *South Dalton*, in the East Riding of the County of *York*. *Ibid.*

14. An Act for inclosing Lands in the Parish of *Towersey* in the County of *Buckingham*. *Ibid.*

15. An Act for empowering the Judges of the Court of Session in *Scotland* to sell such Part of the Entailed Estate of *Ord* in the County of *Ross* in *Scotland*, now belonging to *Thomas Mackenzie* Esquire, of *Ord*, as shall be sufficient for Payment of the Debts and Burdens affecting the same. *Ibid.*

16. An Act to enable the Lord Bishop of *Limerick* and his Successors to demise the Office Houses, Gardens and Demesne, situate at *Conigar* in the County of *Limerick*, belonging to the Lord Bishop of *Limerick*. 857

17. An Act to authorize the Sale and Conveyance of Ground for the Enlargement of the Public Library and Lecture Rooms in the University of *Cambridge*, and for the Erection of an Astronomical Observatory in or near the said University, and of a Museum for the Preservation of the Pictures, Books and other Articles bequeathed to the Chancellor, Masters and Scholars of the said University by *Richard* Viscount *Fitzwilliam*, deceased. *Ibid.*

18. An Act for enabling the Trustee under the Will of the late *William Tuffnell* Esquire, to reduce the Fines for the Copyholds held of the Manor of *Barnersbury*, devised by his Will, as an Encouragement to the Tenants to build thereon; to grant Building and Repairing Leases of the devised Estates; and for other Purposes. *Ibid.*

19. An Act to enable the Master or Guardian of the Charity called *Plumptre Hospital* in the Town of *Nottingham*, to sell Part of the Estate belonging to the said Charity, and to apply the Money arising therefrom in Manner therein mentioned; and to raise Money by Mortgage of the Residue of the said Charity Estate; and to grant Building or Repairing Leases thereof. *Ibid.*

20. An Act for effecting an Exchange of Lands between the Right Honourable *Richard William Penn* Earl *Howe*, and the Master and Fellows of *Catherine Hall*, in the University of *Cambridge*. *Ibid.*

21. An Act for restraining the Bishop of Saint *David*'s and his Successors from granting Leases of the Tithes of *Llangammarch* in the County of *Brecknock*, *Llangevelach*, in the County of *Glamorgan*, *Llangadoch* in the County of *Carmarthen*, and *Glascomb* in the County of *Radnor*, beyond the Term therein mentioned; and for annexing the Tithes of the Consolidated Living of *Llanarth* and *Llanina* to the Possessions of the said See,

See, allowing One third of the annual Profits thereof to the Vicar. *Page* 857

22. An Act for carrying into Effect a Partition of Real Estates devised by the Will of *John Bacon* Esquire, and other Purposes relating to such Estates. 858

23. An Act for modifying and extending the Purposes specified in a Deed of Destination, executed by *Andrew Fletcher* and *John Mackenzie* Esquires; and for building and establishing an Hospital for Destitute Children in the City of *Edinburgh*. *Ibid.*

24. An Act for empowering Trustees to sell and convey Part of the Freehold and Copyhold Estates in the County of *York*, devised by the Will of *Beilby Thompson* Esquire, deceased, and Part of the Freehold Estates in the same County, devised by the Will of *Richard Thompson* Esquire, deceased; and for laying out the Money arising from such Sales respectively, under the Direction of the High Court of Chancery, in the Purchase of other Estates to be settled to the same Uses. *Ibid.*

25. An Act for vesting Part of the devised Estates of *Thomas Barrett* Esquire, deceased, in the Counties of *Kent* and *Surrey*, in Trustees, to be sold; and for laying out the clear Money arising therefrom (under the Direction of the Court of Chancery) in the Purchase of other Estates, to be settled to the same Uses. *Ibid.*

26. An Act to alter and amend an Act of the Forty first Year of the Reign of His late Majesty King *George* the Third, for the Establishment of Schools for the Education of poor Children in the County Palatine of *Durham*. *Ibid.*

27. An Act to enable the Ministers of the Parish of *Saint Cuthbert's, Edinburgh*, in the County of *Mid Lothian*, to feu their Glebe Lands lying in the said Parish. *Ibid.*

28. An Act for inclosing a certain Common or Tract of Waste Land called *Burlish Common*, in the Manor and Chapelry of *Lower Mitton*, in the Parish of *Kidderminster*, in the County of *Worcester*. *Ibid.*

29. An Act for dividing and inclosing the common, waste and uninclosed Lands within the Manor and Township of *Dringhouses* in the County of the City of *York*; and for extinguishing the Rights of Stray and Average over certain Lands called *Half Year Lands*, situate within the Townships of *Dringhouses*, *Middlethorpe* and *Clementhorpe*, in the said County of the City, and within such Parts of the Suburbs of the City of *York*, as are comprised in the Division of the same City called *Micklegate Ward*. 859

30. An Act for dividing, allotting and inclosing Lands in the Parish of *Dinton* in the County of *Wilts*. *Ibid.*

31. An Act for settling upon the President, Fellows and Scholars of *Trinity College*, in the University of *Oxford*, and upon the Rector of the Parish of *Dumbleton* in the County of *Gloucester*, certain perpetual Rent Charges issuing out of the Estate of the Right Honourable *John Sommers* Earl *Sommers* in *Dumbleton*, and for vesting certain Lands there in the said Rector, and for vesting certain Tithes and Lands belonging to the said College and

and Rector respectively in the Mortgagees of the said Earl, subject to Equity of Redemption. *Page* 859

32. An Act for vesting certain settled Estates of *Edward Berkeley Napier* an Infant, and others, in Trustees, to be sold, and for applying the Produce in the Discharge of Incumbrances upon certain devised Estates of the said *Edward Berkeley Napier*, and others; and for vesting Part of the said devised Estates in *Mary Napier* Widow, during her Life, in lieu of her Life Estate in the said settled Premises. *Ibid.*

33. An Act for vesting certain Parts of the settled Estates of the Right Honourable *Thomas William* Viscount *Anson*, in the County of *Norfolk*, in Trustees, in Trust, to carry into execution Contracts already entered into for Sale of Parts of the same Estates, and to sell the other Parts thereof under the Directions of the Court of Chancery, and to apply the Money arising from the said Sales in the Manner therein mentioned. *Ibid.*

34. An Act to authorize the Sale of certain Copyhold Messuages and Hereditaments of *Charles Firchild*, his Wife and Children, in the Manor of *Meer* and *Forton*, in the County of *Stafford*, in Performance of a Contract for the Sale thereof; and for laying out the Purchase Money on other Estates to be settled to the like Uses, and for other Purposes. *Ibid.*

35. An Act for vesting certain settled Estates of the Right Honourable *Robert Cotton St. John* Baron *Clinton* and *Saye*, in Trustees, to be sold, for paying off Incumbrances, and for purchasing other Estates with the Residue of the Purchase Monies, to be settled to the same Uses. 860

36. An Act for assisting the Sale, under the Direction of the High Court of Chancery, of Part of the Estates of the Most Noble *George* Duke of *Marlborough*, deceased, devised by his Will. *Ibid.*

PRIVATE ACTS,

NOT PRINTED,

37. AN Act for inclosing Lands in the Parish of *Duxford Saint John*, and *Duxford Saint Peter*, in the County of *Cambridge*.

38. An Act to enable the Rector and Patron of the Rectory and Parish Church of *Ashton-under-Lyne* in the County Palatine of *Lancaster* for the time being, to grant Leases of the Glebe Lands belonging to the said Rectory.

39. An Act to enable *Kitty Jenkyn Packe Reading*, Wife of *Charles William Packe* of *Lowesby Hall* in the County of *Leicester* Esquire, to use and bear the Arms of *Reading*, in compliance with the Provisions of the Will of *Jenkyn Reading* Esquire, deceased.

40. An Act for naturalizing *Charles Frederick Wild*.

41. An Act for naturalizing *Theresa Arneman*.

42. An Act for naturalizing *Philip Novelli*.

43. An

43. An Act to dissolve the Marriage of Sir *John Milley Doyle*, Knight Commander of the Most Honourable Military Order of the Bath, and Lieutenant Colonel in the Army, with *Mary Doyle* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
44. An Act for naturalizing *Catherine Caroline Scellier Satis*.
45. An Act for naturalizing *Charles Frederick Wück*.
46. An Act for naturalizing *William Gordon Coesvelt*.
47. An Act for naturalizing *John Henry Koch*.

THE

STATUTES AT LARGE.

Anno Regni GEORGII IV. Britanniarum Regis Tertio.

'AT the Parliament begun and holden at *Westminster*, the 'Twenty first Day of *April*, *Anno Domini* 1820, in the First 'Year of the Reign of our Sovereign Lord *GEORGE* the Fourth, 'by the Grace of God, of the United Kingdom of *Great Britain* 'and *Ireland*, King, Defender of the Faith; and from thence con- 'tinued, by several Prorogations, to the Fifth Day of *February* '1822, being the Third Session of the Seventh Parliament of 'the United Kingdom of *Great Britain* and *Ireland*.'

CAP. I.

An Act to suppress Insurrections and prevent Disturbance of the public Peace in *Ireland*, until the First Day of *August* One thousand eight hundred and twenty two.

[11th *February* 1822.]

'WHEREAS tumultuous Insurrections have from time to time 'existed in various parts of *Ireland*, principally promoted 'and supported by Persons associating under the pretended Ob- 'ligation of Oaths unlawfully administered: Therefore, in order 'to restore Peace to such Parts of *Ireland* as are or may be so 'disturbed by seditious Persons, and to preserve the Peace in 'Counties which may be in immediate Danger of being disturbed:' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for any Two Justices of the Peace in any County or County of a City or Town in *Ireland*, to direct, by Writing under their Hands and Seals, the Clerk of the Peace thereof to summon an Extraordinary Session of the Peace to be holden therein, at such Place and at such Time as they shall deem expedient, not sooner than Forty eight Hours after such Direction shall have been delivered to such Clerk of the Peace, in order to consider the State of such County, Town or City, and thereupon such Clerk of the Peace shall forthwith post Notice thereof on the Door of the Court House of such County, Town or City, and cause, as far as in him lies, every Justice of the Peace of such County, Town or City, who shall be resident therein, to be summoned to such Sessions; in serving which Summons, every Constable, Sub-Constable and Sheriff's Bailiff is hereby required to obey and be aiding and assisting such Clerk of

Two Justices may cause Clerk of the Peace to summon an Extraordinary Session.

Notice thereof.

Justices to be summoned in manner herein mentioned.

Justices assembled may signify, by Memorial to Lord Lieutenant, that County is disturbed, or in Danger.

the Peace; and that the Justices assembled in consequence, not being fewer than Seven in a County at large, or than Three in a County of a Town or City, or the major part of such Justices respectively, shall and may, if they shall see fit, upon due Consideration of the State of the County, signify, by Memorial, signed by them, to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, that they consider their County, or any Part thereof, to be in a State of Disturbance, or in immediate Danger of becoming so, and the Grounds and Reasons of such their Opinion, and praying that the Lord Lieutenant and Council may proclaim such County, or Part thereof, to be in a State of Disturbance, or in immediate Danger of becoming so; and thereupon it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, by and with the Advice of His Majesty's Privy Council in *Ireland*, if he and they shall respectively think proper so to do, by Proclamation to declare such County, or any Part of such County, to be in a State of Disturbance, or in immediate Danger of becoming so, as also such Part as he and they shall think proper, of any adjoining County; a Copy of which Proclamation shall be forthwith transmitted by the Clerk of the Privy Council to the Clerk of the Peace of every such County so mentioned therein, who shall thereupon, and he is hereby required forthwith to give Notice thereof to the several Magistrates, and to the Assistant Barrister of every such County, or to the Person duly qualified and empowered to act as Assistant Barrister therein, requiring their Attendance at the Special Sessions to be held as hereinafter mentioned, unless some Part of such County shall have been previously proclaimed under or by a Proclamation then in force, by Virtue whereof the Special Sessions shall be then sitting from Day to Day, as hereinafter mentioned, in which case he shall forthwith give such Notice to the Justices presiding at such Special Sessions, who shall thereupon, or as soon after as the said Court shall sit, cause such further Proclamation to be publicly read in open Court.

Lord Lieutenant and Council may proclaim such County and adjoining County to be in a State of Disturbance.

Proceedings thereon.

Proclamation shall warn Inhabitants to remain in their Houses between Sunset and Sunrise; and appoint Special Sessions of the Peace.

II. And be it further enacted, That every such Proclamation shall warn the Inhabitants of every such proclaimed County, or Part thereof, to be and remain within their Houses at all Hours between Sunset and Sunrise, from and after such Day as shall be named therein for that Purpose, under the Penalties by Law established: and such Proclamation shall further order and direct, that a Special Sessions of the Peace for every such County, whereof the Whole, or any Part, shall be so therein proclaimed, shall be held in such County, at such Time and Place as shall be therein named, not exceeding Seven Days from the Date of such Proclamation, and such Special Sessions of the Peace shall be so held accordingly, and shall from thenceforth continue to sit so long as such County, or any Part thereof, shall be proclaimed, and shall have Power to adjourn from Time to Time, and from Place to Place within such County, as shall be found convenient; and the Clerk of the Peace in every such County is hereby required forthwith to cause such Proclamation to be published in all the public Newspapers printed within such County, and to cause One or more printed Copies thereof to be posted up in large legible characters in all Market Towns within the said County, or such Part thereof,

Clerk of the Peace to cause Proclamation to be published.

as shall be so proclaimed: Provided however, that if any Part of such County shall have been previously proclaimed by or under any Proclamation then continuing in force, in the Whole or any Part, by reason whereof there shall be then a Court of Special Sessions of the Peace sitting under this Act from Day to Day in such County, then such Proclamation shall not make any Mention of such Special Sessions of the Peace in such County, but the said Special Sessions of the Peace so then sitting shall continue to sit and take Cognizance of all Offences committed within such District or Part so newly proclaimed, in the same manner in all respects as if such Sessions of the Peace were summoned and sitting by and under such latter Proclamation.

If County be previously proclaimed, Proclamation not to notice Special Sessions then sitting.

III. And be it further enacted, That every County, or Part of a County so proclaimed, shall be considered, to all Intents and Purposes, as a proclaimed District from the Day on which the Inhabitants thereof shall be required by the Proclamation to remain within their Houses between Sunset and Sunrise as aforesaid, and not before.

From what Time Places proclaimed, considered as such.

IV. And be it further enacted, That all Proclamations which shall be issued under this Act by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, by and with the Advice of His Majesty's Privy Council as aforesaid, or the *Dublin Gazette*, importing to contain a Copy of such Proclamations respectively, shall be deemed and taken to be and shall be conclusive Evidence, in all Courts of Civil or Criminal Jurisdiction in *Ireland*, of all such Facts as were or shall be necessary to authorize the issuing of such Proclamations as aforesaid; and every such Proclamation shall be deemed and taken in all such Courts respectively, to all Intents and Purposes whatsoever, to have been issued in Conformity to the several Provisions of this Act.

Proclamations to be conclusive Evidence in Civil and Criminal Courts.

V. And be it further enacted, That after the issuing of such Proclamation, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, and he or they is and are hereby empowered and required, to direct any One of His Majesty's Serjeants at Law, or of His Majesty's Counsel learned in the Law in *Ireland*, if any such Serjeant or Counsel can be procured, to repair to any such County which, or any Part of which, shall be so proclaimed, and there to continue and to preside at the said Sessions from Day to Day in the manner hereinafter mentioned, so long as such County shall continue to be so proclaimed, unless sooner recalled or permitted to leave the same by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being; and that the Assistant Barrister of every such County, or such other Person as shall be duly qualified and empowered to do the Duty of an Assistant Barrister therein, shall, on receiving such Notice as aforesaid, forthwith repair to such County, and shall continue in the said County, and be present at the said Sessions, in manner hereinafter mentioned, so long as the said County, or any Part thereof, shall continue to be so proclaimed, so as that so long as any such County, or any Part thereof, shall be proclaimed, there shall always be therein an Assistant Barrister or Person duly empowered to discharge the Duties of the said office.

Lord Lieutenant may appoint a King's Serjeant or Counsel to preside at Special Sessions.

Assistant Barrister to be present at such Sessions.

Such Serjeant or Counsel presiding as Chief Judge, and Court of Sessions to have Powers incident to Courts of Oyer and Terminer, &c. and to proceed without Grand or Petty Jury, or Bill found as herein mentioned.

VI. And be it enacted, That it shall and may be lawful for such Serjeant at Law, or Counsel learned in the Law, to preside in the said Court of Session of the Peace as the Chief Judge thereof; and that such Court of Sessions of the Peace shall, for the Purposes of this Act, and in all Proceedings under the same, have and possess all and every the Jurisdiction, Powers and Authorities belonging and incident to a Court of Oyer and Terminer and General Gaol Delivery, and shall proceed, without any Grand Jury, and without any Bill found, to try any Person or Persons who shall, by Information on Oath, taken before any Justice of the Peace of the County wherein such Court shall sit, and returned to the Clerk of the Peace for the said County, or his Deputy, be accused of any of the Matters and Things in respect whereof any Person is by this Act declared to be an idle and disorderly Person, and shall try such Person or Persons on Evidence on Oath, to be administered by such Court, in support of such Accusation, and on Evidence upon Oath, to be in like manner administered in support of the Defence of such Person or Persons, if any such Evidence shall be offered, and shall convict and pass Judgment upon or acquit the Persons so tried, according as the merits of the Case shall appear to the Court before whom the same shall be tried; and that such Conviction and Judgment or Acquittal, may be had and pronounced without the Verdict of any Petty Jury, and shall be equally good and valid in Law, as if such Judgment had been had on a Bill found by a lawful Grand Jury, and the Verdict of a lawful Petty Jury given thereon: Provided always, that if such Court shall think fit and proper, having due regard to the Circumstances of the Case and the then existing State and Condition of the County, to try any Person, or any Fact alleged on any such Trial, by a Jury, it shall and may be lawful for such Court to cause a Petty Jury to be returned, sworn, and impannelled immediately, or at any Time they may appoint, for the Trial of such Person or Persons, Fact or Facts, as they shall give in charge to such Jury, and to take and consider such Verdict as of the same force and effect as to the Matter given them in charge, as the Verdict of a Petty Jury in a Court of Oyer and Terminer and General Gaol Delivery, and shall pass their Judgment on such Case accordingly: Provided also, that the Execution of any Judgment of Conviction shall be suspended unless the Serjeant at Law, or Counsel learned in the Law, so presiding in such Court of Sessions of the Peace, shall agree with the Majority of the Justices of the Peace present at such Court; and in case such Serjeant at Law, or Counsel learned in the Law, should differ in Opinion from the Majority of the Justices present at such Court of Sessions of the Peace, he shall forthwith report the Case and the whole of the Evidence taken upon the same, together with his Opinion, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, who is hereby empowered to give such Directions thereupon as he may think proper; and that, until the Directions of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being shall have been received, the Prisoner shall remain in Custody: Provided always, that nothing herein contained shall extend to prevent the holding the General Sessions of the Peace in such County, in the

Power given to Court to try Persons by Jury.

Suspension of Execution of Judgment in certain Cases.

Prisoner to remain in custody.

Proviso for holding General Sessions.

the usual manner, for discharging the ordinary Business thereof, at such Hours as the said Special Sessions shall not be sitting.

Persons found unduly out of Place of Abode brought before Magistrates, if not out lawfully, deemed idle, &c.

VII. And be it further enacted, That any Magistrate or Peace Officer may cause to be apprehended and committed any Person who shall, within any such County or District so proclaimed, be found in the Fields, Streets, Highways, or elsewhere out of his or her Dwelling or Place of Abode, at any Time from One Hour after Sunset until Sunrise; and such Person, being duly charged therewith on Oath as aforesaid, shall and may be brought before the said Special Sessions of the Peace, which shall inquire into the said Charge, and unless the Person accused can prove, to the Satisfaction of such Court, taking the Assistance of a Jury when and so far only as such Court shall require the same, that he or she was out of his or her House upon his or her lawful Occasions, such Person shall be deemed an idle and disorderly Person.

Justices, &c. may enter Houses.

VIII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, or any Person thereto authorized by the Warrant of any Justice of the Peace, at any Time from One Hour after Sunset until Sunrise, to demand Admission, and in case Admission shall be refused, or not obtained within a reasonable Time after it shall have been first demanded, to enter by Force into any House in any County or District so proclaimed as aforesaid, from which he shall suspect the Inhabitants, or any of them, to be then absent, and search therein, so as to discover whether the Inhabitants or Inmates, or any of them, be absent; and if the Inhabitants or Inmates, or any of them, be absent between the said Hours, any Magistrate or Peace Officer may cause to be apprehended and committed the Person or Persons so absent, who shall be brought before the said Court of Special Sessions as aforesaid, and shall be deemed idle and disorderly, unless he, she or they can prove to the Satisfaction of the said Court, with or without the Aid of a Jury as aforesaid, that he, she or they were absent on his, her or their lawful and proper Occasions: Provided always, that such Justice of the Peace, authorizing and directing any Person or Persons to make such Search, shall make a true and faithful Report of the Names of all Persons so deputed to make such Search, and their Quality and Descriptions, to the Special Sessions, within the Space of Seven Days after such Search.

Absent Persons deemed idle, &c. unless they shew the contrary.

Justices to report Names of Persons authorized to make Search.

Persons administering or taking Oaths for seditious Purposes, &c. or not giving Information concerning the same, deemed idle and disorderly.

IX. And be it further enacted, That every Person who shall administer or tender, or take or enter into any Oath or Engagement, importing to bind him or her to be of any Association, Brotherhood, Committee, Society or Confederacy whatsoever, in reality formed or to be formed for seditious Purposes, or to disturb the Public Peace, or to injure the Person or Property of any Person or Persons whatsoever, or to do or to omit or refuse to do any Act or Acts whatsoever, under whatever Name, Description or Pretence such Association, Brotherhood, Committee, Society or Confederacy shall assume or pretend to be formed or constituted, or any Oath or Engagement importing to bind the Person taking the same to obey the Orders or Rules or Commands of any Committee or other Body of Men not lawfully constituted, or of any Captain, Leader or Commander not appointed by or under the Authority of His Majesty, His Heirs and Successors, or to assemble at the Desire or Command of any such Captain, Leader, Com-

mander or Committee, or of any Person or Persons not having lawful Authority, or not to inform or give Evidence against any Brother Associate, Confederate or other Person, or not to reveal or discover his or her having taken any illegal Oath, or not to reveal or discover any illegal Act done or to be done, or not to discover any illegal Oath or Engagement which may be administered or tendered to him or her, or the Import thereof, whether such Oath shall be afterwards so administered or tendered or not, or whether he or she shall take such Oath, or enter into such Engagement or not, not being compelled thereto by inevitable Necessity, shall be deemed an idle and disorderly Person: Provided always, that if any Person accused of taking or entering into any such unlawful Oath or Engagement, shall have been tried for such Fact before such Court of Special Sessions of the Peace, in the mode prescribed by this Act, he, she or they shall not be liable to be tried again or questioned for the same Fact or Offence before any other Jurisdiction whatsoever.

Proviso against double Trials.

Persons circulating Notices to excite Riots, &c. or demanding Money, &c. deemed idle and disorderly.

X. And it be enacted, That if any Person shall within any proclaimed District, or within any County any Part whereof shall be so proclaimed, print, write, post, publish, circulate, send or deliver, or cause or procure to be printed, written, posted, published, circulated, sent or delivered, any Notice, Letter or Message, exciting or tending to excite any Riot, tumultuous or unlawful Meeting or Assembly, or unlawful Combination or Confederacy, or threatening any Violence, Injury or Damage, upon any Condition, or in any Event or otherwise, to the Person or Property, Real or Personal, of any Person whatever, or demanding any Money, Arms, Weapons or Weapon, Ammunition, or other Matter or Thing whatsoever, every Person so offending shall be deemed and taken to be an idle and disorderly Person.

Persons having Arms, as herein mentioned, deemed idle and disorderly, unless they prove the contrary.

XI. And be it enacted, That if any Justice of the Peace, or other Person authorized by the Warrant of such Justice, shall, in any such proclaimed District, find any Arms or Ammunition, or any Pike, Pike Head, Spear, Dirk or any other offensive Weapon of any kind whatsoever, in the House or Power or Possession of any Person whatsoever, concealed or otherwise, after the Person or Persons inhabiting the said House, or the Person or Persons who shall have the same so in his or her Possession, shall have been called upon to deliver up the same, any such Person shall be deemed an idle and disorderly Person, unless such Person shall prove to the Satisfaction of the Court of Special Sessions, that such Arms, Ammunition or offensive Weapons as aforesaid, were in his, her or their House, Power or Possession, without his, her or their Knowledge, Privity or Consent.

Persons found unduly in Public Houses, deemed idle, &c.

XII. And be it further enacted, That all Persons found assembled in any proclaimed District, in any House, licensed or unlicensed, in which Malt Liquors or Spirituous Liquors are sold, not being Inmates thereof, or Travellers, after the Hours at Nine at Night and before Six in the Morning, shall be deemed idle and disorderly Persons.

So Persons tumultuously assembled.

XIII. And be it further enacted, That if in any District so as aforesaid proclaimed, any Persons shall unlawfully or tumultuously assemble in the Day Time, such Persons, and every of them, shall be deemed idle and disorderly Persons.

XIV. And

Persons convicted of being idle, &c. transported for Seven Years.

XIV. And be it further enacted, That all Persons convicted of being such idle and disorderly Persons as aforesaid, shall be transported for Seven Years, by the Order, Judgment and Sentence of the said Court of Special Sessions of the Peace; and such Order, Judgment and Sentence shall be of the like force and effect, and shall be forthwith carried into execution, in the same manner in all respects as if the same had been the lawful Order, Judgment and Sentence of a Court of Oyer and Terminer and General Gaol Delivery.

Proceedings of Special Sessions not removed into K. B. &c.

XV. And be it further enacted, That no Proceeding of the said Court of Special Sessions, or Judgment or Conviction had or pronounced by the said Court, shall be removed into His Majesty's Court of King's Bench, by any Writ of Certiorari or otherwise, or shall be examinable, quashed or reversed; but that the Judgment, so had or pronounced by the said Court, shall be final and conclusive to all Intents and Purposes whatsoever.

Persons adjudged to be transported, may be sent to any Gaol in Ireland.

XVI. And be it further enacted, That it shall and may be lawful for the said Court, after adjudging any Person to be transported as aforesaid, immediately on such Adjudication to order and cause such Person so adjudged to be transmitted out of the County, if such Court shall think proper, to any other Gaol in *Ireland*, there to remain until he or they shall be removed and transported pursuant to the said Adjudication.

Sheriffs, &c. answerable for keeping such Persons.

XVII. And be it further enacted, That all Sheriffs and Gaolers in *Ireland* shall receive and be answerable for the safe Keeping of all Persons so transmitted, and to them respectively delivered, as if they had been so delivered for Transportation by the Order of the Court of Oyer and Terminer and General Gaol Delivery of the County, Town or City in which the Gaol lies.

Persons hawking seditious Papers, deemed idle, &c. but not liable to Transportation.

XVIII. And be it further enacted, That if any Person shall hawk or disperse any seditious Hand Bill, Paper or Pamphlet in such proclaimed District, such Person, unless he or she shall discover, to the Satisfaction of such Court of Special Sessions of the Peace, the Person or Persons from whom he or she received, or by whom he or she was employed to sell, hawk or disperse such Paper, shall be deemed an idle and disorderly Person within the Meaning of this Act, but shall not as such be liable to Transportation, but shall, by and under the Sentence of the said Court, be committed to the Gaol of such County for a Time not exceeding Twelve Calendar Months.

Two Justices, &c. may call upon Persons whose Arms are registered, whilst Proclamation is in force, and take Arms, &c. to a Place of Safety, giving Receipts to the Owners.

XIX. And be it further enacted, That it shall and may be lawful for any Two Justices of the Peace, or any Person authorized by the Warrant of Two such Justices of the Peace, in any District so proclaimed, and whilst such Proclamation shall remain in force, to call upon every Person within such District who shall have registered Arms under the Provisions of any Act or Acts of Parliament heretofore made or hereafter to be made, to produce or account for or deliver up all Arms, Ammunition, or offensive Weapon whatsoever which such Person shall have in his, her or their Possession, and to enter any House or Place whatsoever and search for Arms and Ammunition, and to take and carry away all Arms and Ammunition, whether so registered or not, which they may think necessary to take Possession of in order to preserve or restore the public Peace, and to dispose thereof in a Place or Places of Safety;

Provided nevertheless, that the Justices or other Person taking such Arms do, upon Demand, give to the Owner or Possessor thereof a Receipt, signifying the Number and Kinds thereof, to the End that when such District shall cease to be disturbed, such Arms and Ammunition may be restored to the Person from whom the same were taken, if he or she be entitled to receive and keep the same, or may be otherwise disposed of as the Law directs:

Proviso for Militia, &c.

Provided always, that nothing in the foregoing Clause contained shall affect any Person serving in His Majesty's Regular or Militia Forces, or in any Yeomanry Corps, or any Privy Councillor, or Member of Parliament, or Peace Officer, in respect of any Arms that they have in their Custody.

Special Sessions to take Cognizance only of idle and disorderly Persons, &c.

XX. And be it enacted, That the said Court of Special Sessions of the Peace shall not take Cognizance of any Offence whatsoever, save only the Offence of being idle and disorderly Persons under this Act: Provided always, that nothing herein shall be construed to take away from such Court such Powers of fining or imprisoning in a summary Way for Contempts or other Misconduct, or of removing or punishing any Peace Officer or Officers of such Court, as are incident to a Court of Oyer and Terminer and General Gaol Delivery.

Justices to return Information to Clerks of the Peace, &c.

XXI. And be it enacted, That every Justice of the Peace who shall take any Information against any Person or Persons for any Offence of which the Cognizance is by this Act given to the said Court of Special Sessions of the Peace, shall immediately return every such Information to the Clerk of the Peace of the said County, who shall forthwith lay the same before the said Court.

How far Magistrates of adjacent Counties may execute Act.

XXII. And be it further enacted, That it shall and may be lawful to and for all Magistrates of the adjacent Counties at large respectively to execute this Act within the several Counties of Cities or Counties of Towns in *Ireland*, except the County of the City of *Dublin*; and in like manner that the several Magistrates of such Counties of Cities and Counties of Towns shall have like Powers to execute this Act in the adjacent Counties at large.

Powers to Magistrates of Counties extended.

XXIII. And be it further enacted, That all the Powers and Authorities given to and all Duties required from Magistrates of Counties at large, under and by this Act, shall be and are hereby given to and required from all Magistrates of Counties of Towns or Counties of Cities in *Ireland*.

Limitation of Actions.

XXIV. And be it further enacted, That if any Action, Suit, Plaint or Information shall be commenced or prosecuted against any Person or Persons for what he or they shall do in pursuance and Execution of this Act, the same shall be commenced within Six Months after the Offence committed, and shall be brought

General Issue.

or laid within the County where the Act was committed; and such Person so sued may plead the General Issue of Not Guilty, and, upon Issue joined, may give this Act and the Special Matter in Evidence; and if the Plaintiff or Prosecutor shall become nonsuit, or forbear Prosecution, or suffer Discontinuance, or if a

Treble Costs.

Verdict or Judgment on Demurrer shall pass against him, the Defendant shall recover Treble Costs.

'XXV. And Whereas Doubts may arise whether any such 'Action, Suit, Plaint or Information was so commenced or pro- 'secuted against the Defendant or Defendants therein for what 'he

'he or they did in pursuance or execution of this Act;' Be it enacted, That in all cases where there shall be a Verdict for the Defendant, if it shall appear to the Judge or Court before whom the said Cause shall have been tried that the same was prosecuted for any Act done in pursuance or execution of this Act, such Judge or Court shall certify the same on the Record, and thereupon such Treble Costs shall be adjudged as aforesaid; and if the Plaintiff or Prosecutor shall become nonsuit, or forbear Prosecution, or suffer a Discontinuance, or if Judgment shall pass against him on Demurrer, it shall and may be lawful for the Defendant or Defendants, or any of them, to suggest on the Record that such Action, Suit, Plaint or Information was brought against such Defendant or Defendants for what he or they did in pursuance or execution of this Act, which Suggestion may be traversed by the Plaintiff, if he shall think proper so to do, and Issue being joined thereupon, the same shall be tried by *Nisi Prius*, according to the usual course of such Court on Issues joined therein; and if such Suggestion shall not be traversed, or being traversed the Issue thereon shall be found for such Defendant or Defendants, he or they shall thereupon be entitled to his or their Treble Costs as aforesaid, together with the Treble Costs of the said Suggestion and of the Proceedings thereon, (if any); and if such Issue shall be found for the said Plaintiff, he shall be entitled to the Costs of the said Suggestion and the Proceedings thereon, and the same shall be set off against the Costs to be adjudged to the Defendant or Defendants making such Suggestion on the said Action, Plaint or Information; and the Judgment shall be for the Balance of the said Costs, if any.

Power to suggest on the Record that the Action was brought for matter under this Act, &c.

Treble Costs.

Traverse.

Treble Costs.

Balance of Costs.

XXVI. Provided always, and be it further enacted, That when a Verdict shall be given for the Plaintiff in any Action to be brought against any Justice of the Peace, Peace Officer or other Person, for taking, or imprisoning or detaining any Person, or for seizing Arms, or entering Houses, under colour of any Authority given by this Act, and it shall appear to the Judge or Judges before whom the same shall be tried, that there was a probable Cause for doing the Act complained of in such Action, and the Judge or Court shall certify the same on Record, then and in that case the Plaintiff shall not be entitled to more than Six Pence Damages, nor to any Costs of Suit: Provided also, that where a Verdict shall be given for the Plaintiff in any such Act as aforesaid, and the Judge or Court before whom the Cause shall be tried shall certify on the Record that the Injury for which such Action is brought was wilfully and maliciously committed, the Plaintiff shall be entitled to Treble Costs of Suit.

In what case, Judge certifies probable Cause for doing the Act, only 6*d*. Damages.

Where Act malicious, Treble Costs.

XXVII. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, by a new Proclamation to be made by and with the Advice of the Privy Council of *Ireland*, to revoke any Proclamation issued in pursuance of this Act, as to the Whole or any Part of the District thereby proclaimed, which new Proclamation shall be forthwith transmitted by the Clerk of the Privy Council to the Clerk of the Peace of such County, who shall notify the same to the said Court of Sessions of the Peace forthwith, if the said Court shall be actually sitting when he shall receive the

Lord Lieutenant may revoke Proclamations.

New Proclamation transmitted to Clerk of the Peace.

the same, and if not, then at the next Sitting of such Court; and such Court shall thereupon cause the same to be read in open Court; and on such new Proclamation being so read, the original Proclamation mentioned therein shall forthwith stand and be revoked, so far as the said new Proclamation shall purport to revoke the same; and if no Part of such County shall then remain proclaimed, such Special Sessions of the Peace shall forthwith cease and determine.

Serjeants and Counsel, &c. to be paid out of the Consolidated Fund.

XXVIII. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, to order such Sum or Sums of Money as he or they shall think proper, to be advanced out of the Consolidated Fund, to every such Serjeant at Law, Counsel learned in the Law or Assistant Barrister, or Person doing the Duty of such Assistant Barrister, who shall preside or be present in such Court of Special Sessions of the Peace as aforesaid, as a Compensation for such his Time and Trouble.

Grand Juries may present for Expences incurred in execution of this Act.

XXIX. And be it further enacted, That it shall be lawful for the Grand Jury of every such County in which such Special Sessions shall be held, at the next ensuing Assizes, and for the Grand Juries at the next Presenting Terms for the County and County of the City of *Dublin*, in case such Special Sessions of the Peace shall be held therein respectively, and they are respectively hereby required to present a Sum, to be raised off the County, if the Whole thereof shall be so proclaimed, and if not, then off such Part thereof as shall be so proclaimed, for the Purpose following; that is to say, in the first Place, to repay the said Consolidated Fund the said Sum or Sums so advanced to any such Serjeant at Law, Counsel learned in the Law or Assistant Barrister, or Person doing his Duty as aforesaid; and in the next Place, to pay to the acting Clerk of the Peace of such County, after the rate of One Guinea for each Day he shall be employed in attending any such Special Sessions of the Peace which he shall personally attend; and in the next Place, such Sum as may be necessary to pay the Expences of sending Prisoners to Gaol under the Provisions of this Act, not exceeding the Sum of Three Pence *per* Mile for each Constable and Assistant whom the Person or Persons who shall sign the Warrant of Commitment shall certify to have been ordered by him or them to go with such Prisoner; and lastly, all such Sums as may be requisite to defray the Expences necessarily incurred in the execution of this Act; and the said Sums shall be so raised and paid accordingly; and the Amount of the said Sum so advanced out of the Consolidated Fund shall, when raised, be paid by the Treasurer of such County to the Collector of Excise for the District; and no other Presentment shall be fiated by the Judge or Court at such Assizes or Presenting Term respectively, until such Presentment shall first have been made by the said Grand Jury thereat.

How raised and applied.

Amount paid by Treasurer of County to Collector of Excise.

Continuance of Act.

XXX. And be it enacted, That this Act shall take effect and be in force from and after the passing thereof, and shall continue in force until the First Day of *August* One thousand eight hundred and twenty two.

[*This Act continued until* 1st *August* 1823, *by Cap.* 80. *post.*]

CAP.

CAP. II.

An Act to empower the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to apprehend and detain, until the First Day of *August* One thousand eight hundred and twenty two, such Persons as he or they shall suspect of conspiring against His Majesty's Person and Government. [11th *February* 1822.]

'WHEREAS a treasonable and rebellious Spirit of Insurrection now unfortunately exists in *Ireland*, and hath broken out into Acts of open Murder and Rebellion: Therefore, for the better Preservation of His Majesty's sacred Person, and for securing the Peace, the Laws and Liberties of this Kingdom:' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons who is, are or shall be within Prison within that Part of the United Kingdom of *Great Britain* and *Ireland*, called *Ireland*, at or on the Day on which this Act shall receive His Majesty's Royal Assent, or after, by Warrant of His Majesty's most Honourable Privy Council of *Ireland*, signed by Six of the said Privy Council, for High Treason, Suspicion of High Treason or Treasonable Practices, or by Warrant signed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, or his or their Chief Secretary, for such Causes as aforesaid, may be detained in safe Custody, without Bail or Mainprize, until the First Day of *August* One thousand eight hundred and twenty two; and that no Judge or Justice of the Peace shall bail or try any such Person or Persons so committed, without Order from His said Majesty's Privy Council, signed by Six of the said Privy Council, until the said First Day of *August* One thousand eight hundred and twenty two; any Law or Statute to the contrary notwithstanding.

Persons imprisoned in Ireland for High Treason, &c. may be detained till Aug. 1, 1822, and shall not be bailed or tried without an Order from the Privy Council.

II. And be it further enacted, That in cases where any Person or Persons have been, before the passing of this Act, or shall be, during the Time this Act shall continue in force, arrested, committed or detained in Custody, by force of a Warrant or Warrants of His Majesty's most Honourable Privy Council of *Ireland*, signed by Six of the said Privy Council, for High Treason, Suspicion of High Treason or Treasonable Practices, or by Warrant or Warrants signed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, or his or their Chief Secretary, for such Causes as aforesaid, it shall and may be lawful for any Person or Persons to whom such Warrant or Warrants have been or shall be directed, to detain such Person or Persons so arrested or committed in his or their Custody, in any Place whatever within *Ireland*; and that such Person or Persons to whom such Warrant or Warrants have been or shall be directed, shall be deemed and taken to be, to all intents and purposes, lawfully authorized to detain in safe Custody, and to be the lawful Gaolers and Keepers of such persons so arrested, committed or detained; and that such Place and Places, where such Persons so arrested,

Persons to whom Warrants of Commitments are directed shall detain the Persons so committed in safe custody.

Persons charged with

Custody as also Place of Detention may be changed by Warrant as herein mentioned.

arrested, committed or detained, are or shall be detained in Custody, shall be deemed and taken, to all intents and purposes, to be lawful Prisons and Gaols for the Detention and safe Custody of such Person and Persons respectively: And that it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, by Warrant signed by him, or for the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors, by Warrant signed by such Chief Secretary, or for His Majesty's Privy Council of *Ireland*, by Warrant signed by Six of the Privy Council, from time to time, as occasion shall be, to change the Person or Persons by whom, and the Place in which such Person or Persons so arrested, committed or detained, shall be detained in safe Custody.

Copies of Warrants transmitted to Clerk of the Crown.

III. Provided always, and be it enacted, That Copies of such Warrants respectively shall be transmitted to the Clerk of the Crown in and for the County of the City of *Dublin*, and shall be filed by him in the Public Office of the Pleas of the Crown in the City of *Dublin*.

Proviso for Privileges of Parliament.

IV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to extend to invalidate the ancient Rights and Privileges of Parliament, or to the imprisoning or detaining of any Member of either House of Parliament, during the Sitting of such Parliament, until the Matter of which he stands suspected be first communicated to the House of which he is a Member, and the Consent of the said House obtained for his Commitment or detaining.

CAP. III.

An Act for indemnifying such Persons as have seized or detained any Arms or Gunpowder in *Ireland*, since the First Day of *November* One thousand eight hundred and twenty one, for the Preservation of the Public Peace.

[11th *March* 1822.]

'WHEREAS since the First Day of *November* One thousand eight hundred and twenty one, several Parts of *Ireland* have been disturbed by Assemblies of large Bodies of Men by Night, for the Purposes of Sedition and Violence, and the Persons and Properties of many peaceable and faithful Subjects of His Majesty have been attacked and injured; by means whereof many of His Majesty's loyal Subjects have lost their Lives: And Whereas several Officers and Justices of the Peace, and other Persons, for the Preservation of the Public Peace, and of the Lives and Properties of His Majesty's faithful Subjects, and for the Suppression of such seditious and unlawful Proceedings, have seized and detained considerable Quantities of Arms and Gunpowder, without any sufficient legal Authority for so doing, and for that Purpose have been obliged to do divers Acts not justifiable by Law, but which were yet so much for the Public Service, and so necessary for the Suppression of such Disturbances, that the Persons by whom they were transacted ought to be indemnified:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

assembled, and by the Authority of the same, That all Actions, Suits, Indictments, Informations, Attachments, Molestations, Prosecutions and Proceedings whatever, and all Judgments and Orders, (if any be) against any Officer of the Army or Navy, or of the Excise or Customs, or against any Justice of the Peace, Sheriff, Subsheriff or Constable, or any of their Assistants respectively, or against any other Person or Persons whomsoever, for or on account of any Seizure or Detention of any Arms or Gunpowder, or for or on account of any Act, Matter or Thing relating to such Seizure or Detention done or committed, or commanded, advised, ordered or directed at any Time since the said First Day of *November* One thousand eight hundred and twenty one, in order, or with a view to, or for the purpose of the Suppression or Prevention of such Disturbances, or for the Preservation of the Public Peace or the Safety of the State, shall be and the same are hereby absolutely discharged and made void; and that all and every Persons and Person, by whom any such Act, Matter or Thing shall have been done or committed, or commanded, advised, ordered or directed, for the purposes in that behalf aforesaid, or for any of them, since the said First Day of *November* One thousand eight hundred and twenty one, shall be, and are and is hereby absolutely freed, acquitted, indemnified and discharged of and from the same, and of and from all Proceedings whatever for or by reason thereof, as well against the King's Majesty, His Heirs and Successors, as against all and every other Person and Persons.

All Proceedings against Persons who have, for Preservation of Lives and Property, seized Arms and Gunpowder without legal Authority, discharged and made void.

Such Persons indemnified.

II. And be it further enacted, That if any Prosecution, Action or Suit, Criminal or Civil, hath been or shall be commenced or prosecuted against any Person or Persons, for any such Act, Matter or Thing so done or committed, or commanded, advised, ordered or directed for the purposes aforesaid, or any of them, such Person or Persons may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff or Plaintiffs shall become nonsuit, or forbear further Prosecution, or suffer Discontinuance, or if a Verdict pass against such Plaintiff or Plaintiffs, the Defendant or Defendants shall recover his, her or their Double Costs, for which such Defendant or Defendants shall have the like Remedy as in cases in which Costs by Law are given to Defendants, the same being suggested on the Record under the Orders of the Court, and the Court being satisfied by the Certificate of the Judge, where there shall be a Verdict, and in all other cases by Affidavit, or by such other means as such Court shall direct or shall deem sufficient.

On Proceedings against any Person for such Acts.

General Issue.

Double Costs on the Facts being suggested on the Record.

III. And be it further enacted, That if any Action, Suit, Indictment, Information, Prosecution or other Proceeding, hath been or shall be brought, commenced, preferred, exhibited or had, in any Court, against any Person or Persons, for or on account of any such Act, Matter or Thing as aforesaid, it shall be lawful for the Defendant or Defendants in any such Action, Suit, Indictment, Information, Prosecution or Proceeding, or for any of them, to apply, by Motion, Petition or otherwise, in a summary Way, to the Court in which such Action, Suit, Indictment, Information, Prosecution or other Proceding hath been or shall be brought, commenced, preferred, exhibited or had, or shall be depending, if such Court shall be sitting, and if not sitting, then to any one of the

Defendants in such Actions may apply to Courts to have Proceedings stayed, &c.

the Judges or Justices of such Court, to stay all further Proceedings in such Action, Suit, Indictment, Information, Prosecution or Proceeding; and such Court, or any Judge or Justice thereof, when the said Court shall not be sitting, is hereby respectively authorized and required to examine the matter of such Application, and upon Proof, by the Oath or Affidavit of the Person or Persons making such Application, or of any of them, or upon any other Proof made to the Satisfaction of such Court, Judge or Justice respectively, that such Action, Suit, Indictment, Information, Prosecution or Proceeding respectively, is brought, commenced, preferred, exhibited or had, for or on account of any such Act, Matter or Thing as aforesaid, to make an Order for staying Execution and all other Proceedings in such Action, Suit, Indictment, Information, Prosecution or Proceeding, in whatever State the same shall or may respectively then be, and although Judgment shall have been entered up of Record, or given, or any Writ of Error or Appeal shall have been brought or made, or shall be depending therein; and the Court, or Judge or Justice making such Order for Stay of Proceedings, shall also order unto the Defendant or Defendants, and he, she or they shall respectively have and be entitled to Double Costs for such Proceedings as shall have been had or carried on respectively in any such Action, Suit, Indictment, Information, Prosecution or other Proceeding, after the passing of this Act, for which Costs he, she or they respectively shall have like Remedy as in cases where Costs are by Law given to Defendants.

Proof on such Application to be upon Oath.

Order for staying Proceedings, notwithstanding Writ of Error, &c.

And Party applying may have Double Costs for anterior Proceedings.

IV. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons, being a Party or Parties to any such Action, Suit, Indictment, Information, Prosecution or other Proceeding, to apply, by Motion, Petition or otherwise, in a summary Way, to the Court in which the same shall have been brought, commenced, preferred, exhibited or had, or shall be depending, to vacate, discharge or set aside any Order made as aforesaid by any Judge or Justice of that Court, for staying Proceedings, or for Payment of Costs as aforesaid, so as such Application shall be made within the First Ten Days on which such Court shall sit next after the making of any such Order, by any Judge or Justice as aforesaid; and such Court is hereby authorized and required to examine the Matter of such Application, and to make such Order therein as if the Application had been made originally to the said Court; but nevertheless and in the mean time and until such Application shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, set aside or reverse such Order made by any Judge or Justice as aforesaid, the same shall continue in full force, to all intents and purposes whatever.

Application may be made to have any Order for staying Proceedings vacated, &c.

Proviso for continuance of Order until Application.

V. And be it further enacted, That this Act may be altered, amended or repealed by any Act or Acts to be made in this present Session of Parliament.

Act may be altered, &c. this Session.

CAP.

CAP. IV.

An Act to regulate the Importation of Arms, Gunpowder and Ammunition into *Ireland*, and the making, removing, selling and keeping of Arms, Gunpowder and Ammunition in *Ireland*, for Seven Years, and from thence until the End of the then next Session of Parliament. [11th *March* 1822.]

'WHEREAS tumultuous Risings have of late happened in *Ireland*, and the Persons engaged therein have practised various secret Contrivances for being supplied with, and keeping Arms and Ammunition: And Whereas the Laws heretofore in force in *Ireland* for regulating the Importation, making, removing, selling and keeping of Gunpowder, Arms and Ammunition, have lately expired; and it is expedient that, for preventing the clandestine Importation and secret Keeping of Arms, Ammunition, Gunpowder and Military Stores, in *Ireland*, the Provisions of the said expired Acts should be renewed and amended:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall not be lawful for any Person whomsoever to import or bring into *Ireland* any Cannon, Mortars or Ordnance, Guns, Pistols, Gun Locks or Parts of Gun Locks, Pistol Locks, Gun Stocks, Swords, Sword Blades, Bayonets, Pikes, Spears, Spear Heads, Weapons of War, Cannon Balls, Musquet Balls or Pistol Balls, Gunpowder, Brimstone, Saltpetre or other Materials used in the making of Gunpowder, or any Military Accoutrements, without having first obtained a Licence for importing or bringing the same, under the Hand of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or, in his Absence, of his Under Secretary for the time being; which Licence shall specify the Number and particular Kind of Arms, Ordnance, Guns, Pistols, Gun Locks, Gun Stocks, Ball or Accoutrements, and the Quantity of Gunpowder, Brimstone and Saltpetre, or other Material for making Gunpowder, thereby licensed to be imported.

Cannon, Mortars or Ordnance, Guns, Pistols, &c. not to be imported without Licence from Lord Lieutenant or Chief or Under Secretary.

II. Provided always, and be it enacted, That it shall be lawful for any of His Majesty's Subjects coming into *Ireland*, to land such Arms as he shall have actually carried for the Defence of his Person, and as are usually carried for Personal Defence, and no other, upon registering the same, and his Name and usual Place of Abode, with the Chief Officer of the Port where he shall land, and obtaining from such Officer a Licence for landing the same; which Licence shall be granted without any Fee or Reward.

Persons may land Arms for personal Defence, on registering the same.

III. And be it further enacted, That if any Person shall import any Cannon, Arms, Gun Locks, Parts of Gun Locks, Gun Stocks, Ball, Accoutrements, Gunpowder or Ammunition, Brimstone or Saltpetre, or any of the said Articles, without such Licence for the Importation thereof as aforesaid; or if any Ship or other Vessel or Boat, shall be found in any Port, Harbour or Creek in *Ireland*, having on board any Cannon, Arms, Gun Locks, Gun Stocks, Ball, Accoutrements, Gunpowder, Brimstone, Saltpetre, Ammunition

Arms, &c. imported without Licence, forfeited; Vessels having such on board, in any Port, without Licence, forfeited, with Arms, &c.

nition or other Articles, for the Importation of which such Licence shall not have been obtained, all such Cannon, Arms, Gun Locks, Gun Stocks, Ball, Accoutrements, Gunpowder, Brimstone, Saltpetre, Ammunition and other Articles, and also such Ship or other Vessel or Boat, with all her Furniture and Apparel, shall be forfeited to His Majesty, and shall and may be seized by any Justice of the Peace or Peace Officer, or by any Officer of His Majesty's Excise or Customs; and all such Cannon, Arms, Gun Locks, Gun Stocks, Ball, Accoutrements, Gunpowder, Brimstone, Saltpetre, Ammunition and other Articles, shall be, by the Person seizing the same, deposited in the Excise Office of the District in which the same shall have been seized, or such other Place or Places as shall be appointed for the Purpose by the Lord Lieutenant or other Chief Governor or Governors of *Ireland;* and the Importer or Importers thereof, whether he or they shall be Owner or Owners thereof or not, shall for every such Importation forfeit the Sum of Five hundred Pounds; and the Master or Person commanding the Ship or other Vessel in which such Guns, Cannon, Gun Locks, Parts of Gun Locks, Swords, Bayonets, Weapons of War, Ball, Gunpowder, Brimstone, Saltpetre, Ammunition, Military Accoutrements or other Articles aforesaid, shall be imported or found, shall forfeit the Sum of Two hundred Pounds.

And Penalty on Importer, 500l.

On Master of Vessel, 200l.

IV. And be it further enacted, That from and after the passing of this Act, no Person shall make or manufacture any Gunpowder in *Ireland*, unless he shall have obtained a Licence for that Purpose, under the Hand of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of his or their Chief Secretary, or, in his Absence, of his Under Secretary for the time being; in which Licence the Place where such Gunpowder shall be made or manufactured, and every Store belonging to such Manufacturer, in which any Gunpowder shall be kept, shall be described, and the Name of the Person superintending the Work at his or their Mills; and if such Maker of Gunpowder hath an Office or Place of Delivery separate from the Mills, the Name of the Person to whom the Gunpowder shall be consigned at such Office, and the Place where such Office is situated; and if any Person shall, after the said Time, make or manufacture any Gunpowder in *Ireland*, without having obtained such Licence, he shall forfeit Five hundred Pounds; and all Gunpowder and Materials for making the same, found in the Possession of or in any House or other Place belonging to such Manufacturer, shall be forfeited, and may be seized by any Justice of the Peace, or any Person authorized thereto by Warrant of any Justice of the Peace.

No Person in Ireland to manufacture Gunpowder without Licence from Lord Lieutenant, &c.

Penalty 500l. and Gunpowder, &c. forfeited.

V. And be it further enacted, That from and after the passing of this Act, no Person not being licensed to manufacture Gunpowder as aforesaid, shall deal in or sell Gunpowder by Retail or otherwise in *Ireland*, unless he shall be licensed for that Purpose by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or in his Absence the Under Secretary for the time being, which Licence shall be in force for One Year and no longer; and if any Person, not being so licensed to manufacture Gunpowder, shall deal in or sell Gunpowder by Retail or otherwise, without such Licence, every such Person shall forfeit for every Time such Person shall buy any Gunpowder for Sale, or sell

Manufacturer not licensed not to sell without Licence.

Licence in force for One Year.

Selling without Licence, penalty 50l. and

sell any Gunpowder, the Sum of Fifty Pounds; and all Gunpowder, and the Casks or Vessels in which the same shall be contained, found in the Possession of such Person, shall be forfeited and seized by any Justice of the Peace, or any Person authorized thereto by Warrant from a Justice of the Peace.

Gunpowder, &c. forfeited.

VI. And be it further enacted, That no Licence to deal in or sell Gunpowder shall be granted as aforesaid, unless the Person requiring the same shall produce a Certificate under the Hands of Two Justices of the Peace assembled at any Quarter Sessions of the Peace for the County or County of the City or Town in which the Person requiring such Licence shall reside, or at any Adjournment thereof, or under the Hand of the Clerk of the Peace at such Sessions or Adjournment, in pursuance of an Order made at such Sessions or Adjournment, setting forth that the Person applying for such Licence is a proper Person to be licensed to deal in or sell Gunpowder: Provided always, that notwithstanding such Certificate or any other Matter, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or such Chief or Under Secretary, to refuse such Licence, if he or they shall think proper so to do respectively.

No Licence but upon Certificate from Quarter Sessions, as herein mentioned.

Licence may be refused, notwithstanding Certificate.

VII. Provided always, and be it enacted, That it shall and may be lawful for the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or in his Absence for his Under Secretary for the Time being, by an Order in Writing under his Hand, from time to time, as often as shall seem expedient, to recall, annul, suspend or prohibit the acting under the Authority of any such Licence, for so long a Time as to the said Chief Secretary or Under Secretary shall seem expedient, to be expressed by such Order to be issued as aforesaid; with which said Order the Party so licensed shall be served, by leaving a Copy of the same with such Party, or by leaving the same at the Shop or Warehouse of the Party so to be served respectively, and by shewing the said Order to some Person or Persons above the Age of Twelve Years, of or belonging to the Person or Persons so licensed; of which said Service, the Person so serving the same shall make Affidavit in Writing before the Collector of Excise in the District for the time being in which the said Party shall reside, which Collector is hereby authorized and empowered to administer an Oath, for the Purpose of taking the said Affidavit; which Affidavit when so taken shall be put upon a File to be kept for that Purpose in the Office of the said Collector, together with the Order or Orders so made by the said Chief Secretary or Under Secretary as aforesaid; and in case any Person so licensed shall at any Time after the Service of the said Order, and during the Continuance thereof, and the Prohibition thereby directed, deal in or sell Gunpowder, he shall forfeit all such Gunpowder as he shall have in his Possession, together with the Sum of Five hundred Pounds, which said Gunpowder so forfeited shall and may be seized by any Justice of the Peace, or by any Person authorized thereto by Warrant from a Justice of the Peace, or by any Officer of His Majesty's Revenue of Custom or Excise, who is and are hereby authorized to seize the same to the Use of His Majesty.

Licences, &c. suspended on Notice to Party licensed, by Order from Chief Secretary, &c.

Service of such Order.

Affidavit of Notice filed with Order in Collector's Office.

Dealing in Gunpowder during Prohibition, penalty 500*l.*; and Gunpowder forfeited.

VIII. And be it further enacted, That no Person, not licensed as aforesaid, shall keep in his or her Custody any greater Quantity

Persons not licensed, keeping

more than 2 lbs. of Gunpowder, or any Ordnance, without Licence. Penalty 500l. and Gunpowder, &c. forfeited.

tity of Gunpowder than Two Pounds Weight, or any Cannon or other Ordnance, without Licence from the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or the Chief Secretary, or in his Absence the Under Secretary, which Licence shall be of force for One Year and no longer, upon Pain of forfeiting all such Gunpowder, Cannon and other Ordnance to His Majesty, and also a Sum of Five hundred Pounds; and it shall and may be lawful for any Justice of the Peace, or other Magistrate, to seize, or by Warrant to cause to be seized, any such Cannon or Gunpowder so kept, unless such Licence shall be produced on Demand.

Manufacturer, &c. selling to indorse Licence.

Penalty 20l.

IX. And be it further enacted, That whenever any Maker of or Dealer in Gunpowder shall sell any Quantity of Gunpowder to any Person licensed to deal in or sell Gunpowder, such Maker of or Dealer in Gunpowder, or his known Clerk or Manager, shall endorse on the Licence granted to such Person the Quantity sold, and the Time when, and shall sign his name thereto, or shall for every Neglect therein forfeit the Sum of Twenty Pounds; and if

Selling more than 2 lbs. unless Licence produced.

Penalty 100l.

any Maker of or Dealer in Gunpowder shall sell or deliver to any Person any greater Quantity of Gunpowder than Two Pounds Weight, unless the Person buying the same shall produce such Licence as aforesaid from the Lord Lieutenant or other Chief Governor of *Ireland*, or his Principal or Under Secretary, authorizing the Person buying the same to keep in his or her Possession a greater Quantity of Gunpowder than Two Pounds Weight, every such Maker of or Dealer in Gunpowder, shall for every Time he shall so sell or deliver Gunpowder, forfeit One hundred Pounds; and that

Licence for removing Gunpowder, so indorsed.

it shall be lawful for the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or, in his Absence, for his Under Secretary, upon such Licence with the aforesaid Endorsement thereon being produced to him, to grant a Licence for removing and conveying the Quantity of Gunpowder mentioned in such Endorsement to the Person licensed to sell the same.

Selling more than 2 lbs. of Gunpowder to Person not licensed.

X. And be it further enacted, That if any Maker of or Dealer in Gunpowder shall, within any Period of Two Calendar Months, sell or deliver to any Person not licensed to deal in or sell Gunpowder under the Provisions of this Act, any greater Quantity of Gunpowder than Two Pounds Weight, so that there shall be sold or delivered to any One and the same Person not so licensed, any greater Quantity than such Quantity of Two Pounds Weight, within any Period of Two Calendar Months as aforesaid; then and in such Case, every such Maker of and Dealer in Gunpowder so selling the same, for every Time he shall so sell or deliver such Gunpowder above the Quantity aforesaid, shall forfeit the Sum of

Penalty 100l.

One hundred Pounds.

Removing Arms, &c. or more than 2 lbs. of Gunpowder, without Licence, forfeited.

XI. And be it further enacted, That it shall not be lawful for any Person whomsoever to remove from any part of *Ireland*, either by Inland Carriage or Coastways, any Cannon, Arms, Gun Locks, Balls or Bullets, or any Gunpowder exceeding the Weight of Two Pounds, or any Brimstone or Saltpetre, without such Licence for removing and conveying the same as aforesaid; and that it shall and may be lawful for any Justice of the Peace or Peace Officer, or any Officer of the Revenue of Customs or Excise, upon Information, to search for and seize all such Cannon, Arms, Gun Locks, Balls or Bullets, and Gunpowder, or other Articles hereinbefore mentioned,

mentioned, which shall be removing or removed, or conveying or conveyed, without such Licence, or without producing such Licence on Demand; and the same shall be forfeited to His Majesty, together with the Cart, Car or other Vehicle on which the same shall be put for Conveyance, and every Horse or other Beast which may be employed for drawing or carrying the same, and the Ship or other Vessel or Boat conveying the same; and the Person or Persons who caused the same to be so removed, shall forfeit the Sum of Five hundred Pounds.

Penalty, 500l.

XII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to prevent any Person from carrying Arms for the Defence of his Person, or for Sporting, as by Law he might before the passing of this Act.

Proviso for Arms for personal Defence, &c.

XIII. And be it further enacted, That it shall not be lawful for any Person, not by Law authorized to keep and carry Arms, to keep any Quantity of Gunpowder whatever, whether such Person shall have a Licence or not; and that any Person herein offending shall be dealt with as if he had not any Licence.

None to keep Gunpowder who may not keep Arms.

XIV. Provided always, and be it enacted, That it shall and may be lawful for the Makers of and Dealers in Arms in the Cities or Liberties of *Dublin* and *Cork*, being licensed as hereinafter mentioned, to send Arms to their Customers in the said Cities, in the Day Time, either uncovered, or in Packages conspicuously marked with the Word "Arms," without obtaining a Licence for so removing the same.

Proviso for Makers and Dealers in Cork and Dublin.

XV. And be it further enacted, That every Person licensed to deal in or sell Gunpowder, shall within Forty eight Hours after he or she shall receive any Gunpowder brought to him or her by virtue of such Licence as aforesaid, give Notice of the Arrival thereof to the next Justice of the Peace or other Magistrate, and thereupon it shall be lawful for such Justice or Magistrate to enter into the House of such Persons, and view and examine such Gunpowder, and the said Certificate, with the Endorsement made thereon by the Person who sold such Gunpowder; and such Person shall declare and shew to such Justice or Magistrate, if required, all the Stock of Gunpowder in his or her Possession; and if any such Person shall not give such Notice, or shall not permit such Justice or Magistrate to view or examine such Gunpowder, or shall not declare and shew to such Justice or Magistrate all his or her Stock of Gunpowder, every such Person, for every such Offence, shall forfeit the Sum of One hundred Pounds; and if any Gunpowder, not declared or shewn, shall be found in the Possession of such Person, the same shall be forfeited, and shall be seized by such Justice of the Peace or Magistrate.

Licensed Dealers in Gunpowder to give Notice of receiving any to Justices, who shall view the same.

Penalty 100l. and Gunpowder forfeited.

XVI. And be it further enacted, That if the aforesaid Licence to any Person to deal in or sell Gunpowder, shall be made use of for procuring Gunpowder for the Use of any other Person than the Person named in such Licence; or if any Gunpowder bought in the Name of any Person licensed to deal in or sell Gunpowder, shall be carried, brought or delivered to any Person other than the Person so licensed, the Person so licensed shall forfeit the Sum of Two hundred Pounds, and the Licence before granted to such Person shall become void.

Persons licensed, procuring Gunpowder for Persons unlicensed, Penalty 200l., and Licence void.

XVII. And

Manufacturers and their Agents to return Accounts to Chief or Under Secretary on Oath, and to keep Books.

XVII. And be it further enacted, That every Maker or Manufacturer of Gunpowder, and every Person dealing as a Factor or Agent in selling the same in *Ireland*, shall, within Thirty Days after the passing of this Act, return an Account to the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or in his absence to the under Secretary, of all the Stock of Gunpowder in his or her Possession, describing the Place or Places where the same shall be kept, and the Packages containing the same, and shall verify such Return by Affidavit at the Foot thereof, to be sworn before any Magistrate, and shall provide a Book, in which such Quantity shall be entered; and shall from time to time, in the First Week of every Calendar Month, and also upon completing the Manufacture of any Quantity or Quantities of Gunpowder, or receiving the same to be sold, (as the case may be), make a like Return, verified as aforesaid, and like Entry; and shall also enter in a separate Account to be kept in the said Book, an Account of every Parcel of Gunpowder sold or disposed of, the Time when, and to whom; and it shall be lawful for any Person authorized by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or in his Absence by his Under Secretary, at all reasonable Times, to have Access to the said Book, and to examine the Stock of such Maker or Seller of Gunpowder, and compare and balance the same with the Account kept in the said Book; and if it shall appear that any Fraud hath been committed, or that any Gunpowder hath been sold, sent or disposed ot contrary to the Provisions of this Act, the Person or Persons licensed shall forfeit Fifty Pounds, and the Licence to him, her or them shall become void, and he, she or they shall be disabled in future to make or manufacture or sell Gunpowder.

And to keep Accounts of Gunpowder sold.

Access to Books.

Penalty 50l. Licence void, and Person disabled.

Not making Returns, &c.

XVIII. And be it further enacted, That if any Maker or Manufacturer of Gunpowder, or Factor or Agent selling Gunpowder, shall not make such Returns as aforesaid, verified as aforesaid, or shall not keep such Book, or shall omit any Entries therein required as aforesaid by this Act, or shall not permit the Person thereto authorized to inspect the same, and to examine the Stock of Gunpowder of such Maker, Manufacturer, Factor or Agent, every such Maker, Manufacturer, Factor or Agent, shall, for every such Offence respectively, forfeit the Sum of One hundred Pounds.

Penalty 100l.

Licensed Manufacturers may send Gunpowder between Sunrise and Sunset to their Offices, &c. without Licences.

XIX. Provided always, and it be enacted, That every Maker of Gunpowder, having obtained such Licence as hereinbefore mentioned, may send at any Time between Sunrise and Sunset any Quantity thereof to his Office or Place of Delivery mentioned in the Licence granted to him, or to His Majesty's Stores, and not elsewhere, without obtaining a Licence for the Carriage of the same as aforesaid; provided that with every Quantity of Gunpowder so sent, the Maker or his Superintendant shall send a Manifest, expressing the Quantity sent, and whether in Barrels, Half Barrels or Quarter Barrels, the Place from whence it is sent, and to what Place; which Manifest shall be dated and signed by the Maker of such Gunpowder, or his said Superintendant.

Having a greater Quantity than mentioned.

XX. And be it further enacted, That if any greater Quantity of Gunpowder than what is expressed in such Manifest shall be so sent, or if the Gunpowder therein mentioned shall be sent to any

any other Place than to such Office or Place of Delivery, or to His Majesty's Stores, the same shall be forfeited to His Majesty, and the Person sending the same shall forfeit Five hundred Pounds. Penalty 500l.

XXI. And be it further enacted, That all Gunpowder exceeding Five Pounds that shall be removed from any Part of *Ireland* to any other Part of the same, shall be made up in Casks, with the Word "Gunpowder" marked thereon in large Letters, upon Pain of forfeiting the same to His Majesty; and that it shall be lawful for any Person to seize and carry the same to His Majesty's Stores; and the Person who shall have caused such Gunpowder to be carried without such Mark, shall forfeit the Sum of Five hundred Pounds. Gunpowder exceeding 5 lbs. how made up. Penalty 500l.

XXII. And be it further enacted, That no Person shall make, construct, or amend or repair, or keep for or expose to Sale in *Ireland*, any Cannon or other Ordnance, or any Sort of Guns, Muskets or Pistols, or any Gun Locks, or Parts of Gun Locks, Pistol Locks, Gun Stocks, Bayonets, Swords or Sword Blades or other Military Weapons, without a Licence from the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or in his Absence his Under Secretary, which Licence shall be granted to any known Gunsmith or Sword Cutler; and if any Person shall make or construct, or mend or repair, any Cannon or other Ordnance, or any sort of Gun, Musket or Pistol, or any Gun Lock, Pistol Lock, Gun Stock, Bayonet, Sword or Sword Blade or other Military Weapon, without having obtained such Licence, every such Article found with him shall be forfeited, and may be seized by any Justice of the Peace or Magistrate, or Officer of Customs or Excise, or by any Person authorized thereto by the warrant of any Justice of the Peace or Magistrate, and any such Offender shall forfeit a Sum of Five hundred Pounds; and such Licence shall be of force for One Year, and no longer, from the Time of the granting thereof. Making or repairing Arms without Licence from Chief Secretary, &c. Penalty 500l. Licences in force one Year.

XXIII. And be it further enacted, That every Person who shall make, repair or sell any Guns, Pistols or other Fire Arms, or any Gun Locks, or Pistol Locks, or Gun Stocks, or any Swords, Bayonets or other Military Weapons, shall keep a Book in which he or she shall enter or cause to be entered a monthly Account of all Arms and Military Weapons made, sold or repaired by him or her, and to and for whom the same were sold or repaired, and the respective Times when; and shall monthly return a Copy of such Account, verified on Oath, to be made before any Magistrate, to the Chief Secretary to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or in his Absence the Under Secretary; and any Person empowered for that Purpose by the said Chief Secretary, or in his Absence by his Under Secretary, shall at all reasonable Times, on Demand, have Access to the said Book, and shall examine the same; and if any Person making, repairing, or selling any Guns, Pistols or other Fire Arms, or any Gun Locks, Pistol Locks or Locks of other Fire Arms, or any Swords, Bayonets or other Military Weapons, shall not keep such Book, and truly enter therein such Account as aforesaid, or shall omit to make any such Return as aforesaid, verified as aforesaid, or shall not produce to such Person as shall be authorized as aforesaid, after Demand, the said Book, or shall not permit such Person Monthly Accounts to be kept of Arms made, &c. Monthly Returns on Oath. Officers to have Access to such Books.

to examine the same, every Person offending shall for every such Offence forfeit One hundred Pounds.

Penalty 100*l.*

Justices may enter suspected places.

XXIV. And be it further enacted, That it shall and may be lawful to and for any Justice of the Peace to enter and search, or to grant a Warrant to any Person or Persons to be by him named, to enter and search any House, Place, Ship, Boat or Vessel, where or in which he shall have reasonable Grounds to suspect such Arms, Ammunition or Gunpowder as aforesaid to be deposited for Sale, without Licence as aforesaid.

Lord Lieutenant may annul Licences granted for removing Gunpowder.

XXV. And be it further enacted, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any time, by Order under his Hand, or signified by the Chief Secretary, or in his Absence by the Under Secretary, to annul and make void any Licence heretofore granted, or hereafter to be granted, to any Maker of Gunpowder, to remove Gunpowder to his Office or Stores, or to His Majesty's Stores; any thing herein contained to the contrary notwithstanding.

How Penalties distributed.

XXVI. And be it further enacted, That all pecuniary Forfeitures inflicted by this Act, shall go and be paid, One Moiety to His Majesty, His Heirs and Successors, and the other Moiety to the Person or Persons who shall sue for the same, by any Action of Debt, Suit, Bill, Plaint or Information, in any of His Majesty's Courts of Record in *Dublin*, wherein no Essoign, Protection or more than One Imparlance shall be allowed; and all Forfeitures of any Articles or Things which by virtue of this Act shall and may be seized, shall be sued for, recovered and applied, in such Manner and Form, and by such Ways and Means, and with such Powers and Authorities, as are prescribed, directed and appointed in and by an Act of Parliament, made in *Ireland* in the Fourteenth and Fifteenth Years of the Reign of His late Majesty *Charles* the Second, intituled *An Act for the settling of the Excise or new Impost upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted*, or by any other Law or Laws relative to His Majesty's Revenue of Excise, as fully and effectually, to all Intents, Constructions and Purposes, as if the same were particularly mentioned and expressed and re-enacted in this Act, with the like Remedy of Appeal to and for the Party or Parties who shall think him, her or themselves aggrieved or injured, as in and by the said Act of Excise, or any other Law or Laws relating to His Majesty's Revenue of Excise is provided.

Articles seized applied as by 14 & 15 C. 2. c. 4. or any other Revenue Law, with the like Remedy of Appeal.

Lord Lieutenant, &c. may remit Penalties and restore Arms.

XXVII. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant or Privy Council, at their Discretion, to remit any Penalty or Forfeiture sued for under this Act, as well the Moiety belonging to the Informer as that belonging to His Majesty, and to restore any Arms seized as aforesaid.

Limitation of Actions.

XXVIII. And be it further enacted, That in case any Action or Suit shall be commenced against any Person or Persons for any Matter or Thing by him or them done or executed in pursuance of this Act, such Action or Suit shall be commenced within Three Calendar Months next after the alleged Cause of Action shall accrue; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence on any Trial to be had thereon, and that the same was done under the Authority of this Act and if a Verdict shall pass for the

General Issue.

Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his or their Action or Prosecution, or Judgment shall be given against him, her or them, upon Demurrer or otherwise, such Defendant or Defendants shall have Double Costs awarded to him or them against such Plaintiff or Plaintiffs. Double Costs.

XXIX. And be it further enacted, That this Act shall be and remain in force for the Term of Seven Years from and after the passing thereof, and until the End of the Session of Parliament next after the Expiration of the said Term of Seven Years. Continuance of Act.

XXX. And be it further enacted, That this Act may be altered, amended or repealed by any Act or Acts to be made in this present Session of Parliament. Act may be altered, &c. this Session.

CAP. V.

An Act to repeal so much of an Act made in the Fifty fifth Year of the Reign of His late Majesty, for taking an Account of the Population of *Ireland*, as relates to certain Expences to be incurred under the said Act.

[11th *March* 1822.]

'WHEREAS by an Act made in the Fifty fifth Year of the 'Reign of His late Majesty King *George* the Third, intituled 55 G. 3. c. 120. '*An Act to provide for the taking an Account of the Population of* § 6. 'Ireland, *and for the ascertaining the Increase or Diminution thereof*, 'it is among other things enacted and provided, that the Clerks of 'the Peace of the Counties, and Town Clerks of the Counties of 'Cities and Counties of Towns, wherein the several original Accounts of the Population required by the said Act shall be taken, 'shall make or cause to be made Copies of such Accounts, together with all Answers and Returns prepared thereupon, and safely 'keep and preserve such Copies in their respective Offices, and deliver over the same to their Successors in Office respectively; and § 8. 'it is also enacted, that there shall be paid and allowed to the 'Clerk of the Peace or Town Clerk, for every Return which shall 'be made, and a Copy thereof lodged in his Office, the Sum of Two 'Shillings and Six Pence, and also a further Sum not exceeding Six 'Pence for every Seventy two Words and Figures contained in every 'such Return: And Whereas great Delays have occurred in the 'Execution of the said Act, and such Copies have not in many Instances been made, and it is not requisite that such Copies should 'in future be made, or kept or preserved, in Manner required by 'the said recited Act:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, so much of the said recited Act as requires or enjoins any Clerk of the Peace or Town Clerk to make or cause to be made, or to keep or preserve, any such Copies, and also so much of the said recited Act as authorizes the Payment or allowance to any Clerk of the Peace or Town Clerk of the several Sums before mentioned, or either of them, shall be and the same is hereby repealed; and that no Sum or Sums of Money whatever shall be paid or allowed to any Clerk of the Peace or Town Clerk in *Ireland*, in respect of any such Copies which shall not have been completed Repealed. No copies paid for, if not completed and charged for be-

fore passing this Act.

pleted and charged for previous to the passing of this Act; any thing in the said recited Act to the contrary notwithstanding.

CAP. VI.

An Act for continuing to His Majesty certain Duties on Sugar, Tobacco and Snuff, Foreign Spirits and Sweets, in *Great Britain*; and on Pensions, Offices and Personal Estates in *England*; and for receiving the Contributions of Persons receiving Pensions and holding Offices; for the Service of the Year One thousand eight hundred and twenty two. [11th *March* 1822.]

[*This Act is the same as* 1 & 2 *G.*4. *c.* 3. *except as to Dates and the Sections that are here retained, and as to the Malt Duty.*]

'III. AND Whereas the additional Duties of Excise on Brandy, 'Spirits, Aqua Vitæ, or Strong Waters imported into *Great Bri-* 'tain, and on Sweets or Made Wines made in *Great Britain* for 'Sale, granted by an Act made in the Forty third Year of the Reign 'of His said late Majesty, and on Brandy, Spirits, Aqua Vitæ or 'Strong Waters imported into *Great Britain*, granted by an Act 'made in the Forty seventh Year of the Reign of His said late Ma- 'jesty, which would have expired at a certain limited Time after 'the Ratification of the definitive Treaty of Peace, had not the 'same been continued, were and are, by an Act made in the Fifty 'sixth Year of His said late Majesty's Reign, continued until and 'upon the Fifth Day of *July* One thousand eight hundred and 'twenty one, and it is expedient further to continue the same;' Be it therefore enacted, That all the said additional Duties of Excise on Brandy, Spirits, Aqua Vitæ or Strong Waters imported into *Great Britain*, and on Sweets or Made Wines made in *Great Britain* for Sale, granted respectively, and continued as aforesaid, shall be, and the same respectively are hereby further continued until and upon the Fifth Day of *July* One thousand eight hundred and twenty three.

Additional Duties on Foreign Spirits and on Sweets granted by 43 G. 3. c. 81. and 47 G. 3. c. 27. further continued.

Such Duties to be levied as other Duties of Excise.

IV. And be it further enacted, That the additional Duties on Foreign Spirits and Sweets hereby continued, shall and may be respectively raised, levied, collected, answered, paid, recovered, adjudged, mitigated and allowed in such and the like manner, and in or by any or either of the general or special Means, Ways or Methods by which the former Duties and Drawbacks of Excise respectively upon Goods, Wares, Merchandize or Commodities of the same Sorts or Kinds respectively, were or might be raised, levied, collected, answered, paid, recovered, adjudged, mitigated and allowed; and the Goods, Wares, Merchandize or Commodities so by the said Acts respectively made liable to the Payment of, or chargeable with Duties of Excise, or so entitled to Drawbacks of Excise as respectively inserted, described and set forth in the Schedules annexed to the said Acts, shall be and the same are hereby made subject to all and every the Conditions, Regulations, Rules, Restrictions and Forfeitures to which Goods, Wares and Merchandize or Commodities were generally or especially subject or liable by any Act or Acts of Parliament, in force immediately before the passing of this Act respecting the Duties of Excise,

Excise, and all and every Pain, Penalty, Fine or Forfeiture of any Nature or Kind whatever, for any Offence whatever committed against or in breach of any Act or Acts of Parliament, in force immediately before the passing of this Act, made for securing the Revenue of Excise, or for the Regulation or Improvement thereof, and the several Clauses, Powers and Directions therein contained, shall and the same are hereby directed and declared to extend to, and shall be respectively applied, practised and put in Execution for and in respect of the several Duties and Drawbacks of Excise hereby continued, in as full, ample and beneficial manner to all Intents and Purposes whatever, as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Fines, Pains, Penalties and Forfeitures respectively, were particularly repeated and re-enacted in the Body of this Act.

'XXVII. And Whereas His Majesty has been graciously pleased 'to direct that certain Deductions should be made from the Sa-'laries and other Emoluments of various Persons holding Offices 'and Places in His Majesty's Service, in Aid of the Public Service 'of the Year, and towards the Relief of the Public Burthens: 'And Whereas many Persons holding Offices and Places in His 'Majesty's Service, and others having or holding Pensions or other 'Emoluments derived from the Public, are desirous of contributing 'Proportions of their respective Official Incomes, Salaries, Pen-'sions or other Emoluments, for the same Purpose:' Be it therefore enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or for the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, to give such Directions for One Year, commencing the Fifth Day of *April* One thousand eight hundred and twenty two, to the Officers of the Exchequer, and of the several Departments of the Civil List of *Great Britain* respectively as may be necessary for giving Effect to the most gracious Intention of His Majesty in such Contribution, and for executing the Intentions of such other Persons as aforesaid; and no Deduction shall be made, or Fee, Emolument or Allowance taken by any Person retaining, receiving or paying any such Contributions as aforesaid.

Treasury to give Directions respecting certain Deductions from Salaries, &c.

No Fee.

XXXI. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster*, for any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions, in the same or like Manner, Form and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act made in the Forty eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

Directing a Sum to be raised by Commissioners of the Treasury.

48 G. 3. c. 1.

CAP.

CAP. VII.

An Act for applying certain Monies therein mentioned for the Service of the Year One thousand eight hundred and twenty two. [11th *March* 1822.]

" 4,000,000*l.* Remainder of the Grant for 1821, applied towards
" the Supply for 1822.

CAP. VIII.

An Act for raising the Sum of Twenty Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and twenty two. [11th *March* 1822.]

" Treasury may raise 20,000,000*l.* by Exchequer Bills, in like man-
" ner as is prescribed by 48 G. 3. c. 1. — § 1. The Clauses, &c. in
" recited Act extended to this Act. § 2. Treasury to apply the
" money raised. § 3. Exchequer Bills to be payable out of the
" Supplies for the next Session. § 4. Exchequer Bills to bear an
" Interest not exceeding 3½*d.* per Cent. per Diem. § 5. Ex-
" chequer Bills to be current at the Exchequer after April 5,
" 1823. — § 6.

CAP. IX.

An Act for transferring several Annuities of Five Pounds *per Centum per Annum* into Annuities of Four Pounds *per Centum per Annum*. [15th *March* 1822.]

' Most Gracious Sovereign,

' WE, Your Majesty's most dutiful and loyal Subjects the Com-
' mons of the United Kingdom of *Great Britain* and *Ire-*
' *land*, in Parliament assembled, having taken into our serious
' Consideration the present State of the National Debt, and being
' desirous of lessening the Charge thereof, have resolved, that all
' and every Person and Persons, Bodies Politic and Corporate, who
' now is or are or hereafter may be interested in or entitled unto
' any Part of the National Debt redeemable by Law, which now
' carries an Interest after the Rate of Five Pounds *per Centum per*
' *Annum*, and is usually known by the Name of Navy Five *per*
' *Cents.*, or by the Name of *Irish* Five *per Cent.* Annuities, payable
' at the Bank of *England*, and who shall not signify his, her or
' their Dissent in the manner hereinafter mentioned, shall, in lieu
' of every One hundred Pounds of such Five *per Centum* Annuities,
' receive and be entitled to the Sum of One hundred and five
' Pounds in a new Stock, to be called " The New Four Pounds
' *per Centum* Annuities," and to carry Interest after the Rate of
' Four Pounds *per Centum per Annum*, and so in proportion for
' any greater or less Amount of such Five *per Centum* Annuities;
' and that the Dividends thereof shall be payable Half yearly at
' the Bank of *England*, upon the Fifth Day of *January* and the
' Fifth Day of *July* in each and every Year; and the first Half
' yearly Dividend on the said New Four Pounds *per Centum* An-
' nuities shall be payable on the Fifth Day of *January* One thousand
' eight hundred and twenty three; and that the said New Four
' Pounds

'Pounds *per Centum* Annuities shall not be liable to be paid off 'until the Fifth Day of *January* One thousand eight hundred and 'twenty nine: And have also resolved, that the Interest and Di- 'vidends payable in respect of the said New Four Pounds *per* 'Centum Annuities, shall be charged and chargeable upon the 'Consolidated Fund of the United Kingdom of *Great Britain* and '*Ireland*, in the same manner as the Interest and Dividends of the 'Five Pounds *per Centum* Annuities now stand charged on the said 'Fund: And have also resolved, that all and every Person and Per- 'sons, Bodies Politic or Corporate, who shall not within the Period 'commencing on *Monday* the Fourth Day of *March*, and ending 'on *Saturday* the Sixteenth Day of *March* One thousand eight hun- 'dred and twenty two, both Days inclusive, signify his, her or 'their dissent from accepting and receiving a Share in the said 'New Four Pounds *per Centum* Annuities in lieu of his, her or 'their respective Shares in the said Five Pounds *per Centum* An- 'nuities, in the manner hereinafter directed, shall be deemed and 'taken to have consented to accept and receive the same: Pro- 'vided always, that if any Proprietor or Proprietors of Five 'Pounds *per Centum* Annuities shall not be within the Limits of 'the United Kingdom at any Time between the Twenty second 'Day of *February* and the Sixteenth Day of *March* One thou- 'sand eight hundred and twenty two, but shall be in any other 'Part of *Europe*, it shall be lawful for such Proprietor or Pro- 'prietors to signify such Dissent at any Time before the First 'Day of *June* One thousand eight hundred and twenty two; and if 'any such Proprietor or Proprietors shall not at any Time between 'the Twenty second day of *February* One thousand eight hundred 'and twenty two, and the First Day of *June* One thousand eight 'hundred and twenty two, be within any Part of *Europe*, it shall 'be lawful for him, her or them to signify such Dissent at any Time 'before the First Day of *March* One thousand eight hundred and 'twenty three; such Proprietor or Proprietors proving to the Sa- 'tisfaction of the Governor and Directors of the Bank of *England*, 'or any Two or more of them, his, her or their Absence from the 'United Kingdom, or out of *Europe*, as above specified, and that 'his, her or their Share or Shares of such Five Pounds *per Centum* 'Annuities stood in his, her or their Name or Names respectively, 'on the Twenty second Day of *February* One thousand eight hun- 'dred and twenty two, in the Books of the Governor and Company 'of the Bank of *England*: Provided also, that such Proprietor or 'Proprietors so absent from the United Kingdom, or out of *Europe*, 'shall signify such his, her or their Dissent within Ten Days after 'his, her or their Return to the United Kingdom: And have also 'resolved, that Provision should be made by the House of Com- 'mons, for paying off such Proprietor or Proprietors of the said 'Five Pounds *per Centum* Annuities, as shall signify his, her or 'their Dissent from accepting and receiving any Share in the said 'New Four Pounds *per Centum* Annuities in lieu thereof; and have 'also resolved, that all Persons, Bodies Politic and Corporate, pos- 'sessed of any Part of the said Five Pounds *per Centum* Annuities, 'and who shall desire to signify such Dissent as aforesaid, shall, 'between the Fourth and Sixteenth Days of *March* One thousand 'eight hundred and twenty two, both inclusive, by themselves or

'some

'some Agent or Agents for that Purpose duly authorized, signify 'to the Governor and Company of the Bank of *England* such 'Dissent in Writing, under his, her or their Hand or Hands, to- 'gether with the Amount of his, her or their respective Shares in 'the said Five Pounds *per Centum* Annuities, and which said Dis- 'sents shall be entered in a Book or Books to be opened and kept 'by the said Governor and Company for that Purpose, and num- 'bered in the order in which his, her or their Dissent shall be re- 'ceived by the said Governor and Company; and in case of any 'Transfer of such Shares, or any Part or Parts thereof, after such 'Dissent, the Part or Parts so transferred shall be entered in the 'said Books under the same Numbers as were affixed to such 'Shares when the Dissent was so signified; and every such dis- 'sentient Proprietor or Proprietors, or his, her or their Assigns, 'under any such Transfer, shall be paid off in the numerical 'Order in which his, her or their Name or Names shall be entered 'in such Book, such Payment to commence on the Fifth Day of '*July* One thousand eight hundred and twenty two, and to be 'continued at such Periods and in such manner as Parliament 'may direct: And have also resolved, that every Proprietor or 'Proprietors of the Navy Five Pounds *per Centum* Annuities afore- 'said shall receive the Dividend due thereon on the Fifth Day of '*July* One thousand eight hundred and twenty two; and that 'every Proprietor or Proprietors of the *Irish* Five Pounds *per* 'Centum Annuities aforesaid shall receive the Dividend due there- 'upon on the Fifth Day of *April* One thousand eight hundred and 'twenty two, and shall also receive One Quarter's Dividend there- 'on, on the Fifth Day of *July* One thousand eight hundred and 'twenty two; and the said last mentioned Five Pounds *per Centum* 'Annuities shall be paid off or converted into Four Pounds *per* 'Centum Annuities, in manner aforesaid, from and after the said 'Fifth Day of *July* One thousand eight hundred and twenty two; 'and no Transfer of the said *Irish* Five Pounds *per Centum* An- 'nuities, or of any Annuities at the Rate of Five Pounds *per Cen-* 'tum per Annum, payable in *Ireland*, to or from the Books of the 'Governor and Company of the Bank of *England*, or to or from 'the Books of the Governor and Company of the Bank of *Ireland*, 'shall take place from and after the Twenty sixth Day of *February* 'One thousand eight hundred and twenty two: And have also re- 'solved, that all Executors, Administrators, Guardians and Trustees 'may signify such Dissent in respect of such Shares of the said 'Five Pounds *per Centum* Annuities for the holding of which their 'Names are made use of respectively; and all Executors, Admin- 'istrators, Guardians and Trustees not signifying such Dissent, 'shall be deemed to have assented as aforesaid, and shall be in- 'demnified in respect thereof: We, Your Majesty's most faithful 'Commons do therefore most humbly beseech Your Majesty that 'it may be enacted;' And be it enacted by the King's most Ex- cellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons, Bodies Politic or Corporate, who now is or are or hereafter may be interested in or entitled unto any Part of the National Debt redeemable by Law, which now carries an Interest after

Every Person entitled to 100l. Navy or Irish Five per Cents. to receive 105l.

after the Rate of Five Pounds *per Centum per Annum*, and is usually known by the Name of Navy Five *per Centum* Annuities, or by the Name of *Irish* Five *per Centum* Annuities, payable at the Bank of *England*, and who shall not signify his, her or their Dissent in manner hereinafter mentioned, shall, in lieu of every One hundred Pounds of such Five Pounds *per Centum* Annuities respectively receive and be entitled to the Sum of One hundred and five Pounds in a new Stock, to be called *The New Four Pounds per Centum Annuities*, and to carry an Interest after the Rate of Four Pounds *per Centum per Annum*, and so in proportion for any greater or less Amount of such Five Pounds *per Centum* Annuities respectively; and that the Dividends thereof shall be payable Half yearly at the Bank of *England*, upon the Fifth Day of *January* and the Fifth Day of *July* in each and every Year; and the first Half yearly Dividend on the said New Four Pounds *per Centum* Annuities shall be payable on the Fifth Day of *January* One thousand eight hundred and twenty three; and that the said New Four Pounds *per Centum* Annuities shall be subject and liable to Redemption upon and at any Time after the Fifth Day of *January* One thousand eight hundred and twenty nine, and not before that Period, and shall be free from all Taxes, Charges and Impositions, in the like manner as the said Navy Five *per Centum* Annuities.

New 4*l.* per Centum Annuities.

Dividends to be paid Half yearly.

Liable to Redemption.

II. And be it further enacted, That the Interest and Dividends payable in respect of the said New Four Pounds *per Centum* Annuities, shall be charged and chargeable upon, and shall be issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in the same manner as the Interest and Dividends of the said Five Pounds *per Centum* Annuities respectively now stand charged on the said Fund.

Interest of such 4*l.* per Cent. charged on Consolidated Funds.

III. And be it further enacted, That all and every Person and Persons, Bodies Politic or Corporate, who shall not, on or before the Sixteenth Day of *March* One thousand eight hundred and twenty two, signify his, her or their Dissent from accepting and receiving a Share in the said New Four Pounds *per Centum* Annuities, in lieu of his, her or their respective Shares in the said respective Five Pounds *per Centum* Annuities, or for any Part of such respective Shares in such last mentioned Annuities, in the manner hereinafter directed, shall be deemed and taken to have consented to accept and receive the same: Provided always, that if any Proprietor or Proprietors of the said respective Five Pounds *per Centum* Annuities shall not have been within the Limits of the United Kingdom at any Time between the Twenty second Day of *February* and the Sixteenth Day of *March* One thousand eight hundred and twenty two, but shall have been in any other Part of *Europe*, it shall be lawful for such Proprietor or Proprietors to signify such Dissent at any Time before the First Day of *June* One thousand eight hundred and twenty two; and if any such Proprietor or Proprietors shall not, at any Time between the Twenty second Day of *February* and the First Day of *June* One thousand eight hundred and twenty two, have been within any Part of *Europe*, it shall be lawful for him, her or them to signify such Dissent at any Time before the First Day of *March* One thousand eight hundred and twenty three, such Proprietor or Proprietors proving to the Satisfaction of the Governor and Directors of the

Persons not, on or before 16th March 1822, dissenting to receive the New 4*l.* per Cent. Annuities, to be deemed assenting.

Proviso for Parties out of the United Kingdom.

And out of Europe.

the Bank of *England*, or any Two or more of them, his, her or their Absence from the United Kingdom, or out of *Europe*, as the Case shall happen; and that his, her or their Share or Shares of such Five Pounds *per Centum* Annuities stood in his, her or their Name or Names respectively, or in the Name or Names of any One or more Trustee or Trustees on his, her or their Behalf, on the Twenty second Day of *February* One thousand eight hundred and twenty two, in the Books of the Governor and Company of the Bank of *England*; and provided also, that such Proprietor or Proprietors so absent from the United Kingdom, or out of *Europe*, shall signify his, her or their Dissent within Ten Days after his, her or their Return to the United Kingdom.

Parties dissenting, to signify the same, with the Amount of their Stock, to the Governor and Company of the Bank of England.

IV. And be it further enacted, That all Persons, Bodies Politic and Corporate, possessed of any Part of the said respective Five Pounds *per Centum* Annuities, and who shall desire to signify such Dissent as aforesaid, shall, on or before the Sixteenth Day of *March* One thousand eight hundred and twenty two, by themselves or some Agent or Agents for that Purpose duly authorized, signify to the Governor and Company of the Bank of *England* such Dissent, in Writing under his, her or their Hand or Hands, or the Hand or Hands of his, her or their Agent or Agents, authorized as aforesaid, together with the Amount of his, her or their respective Shares in the said Five Pounds *per Centum* Annuities; and which said Dissents shall be entered in a Book or Books to be opened and kept by the said Governor and Company for that Purpose, and numbered in the Order in which such Dissents shall be received by the said Governor and Company; and in case of any Transfer of such Shares, or any Part or Parts thereof, after such Dissent, the Part or Parts so transferred shall be entered in the Books of the said Governor and Company under the same Numbers as were affixed to such Shares when the Dissent or Dissents was or were so signified; and every such dissentient Proprietor or Proprietors, or his, her or their Assigns, or the Executors or Administrators of such Assigns, under any such Transfer, shall be paid off in the numerical Order in which his, her or their Name or Names shall be entered in such Book as aforesaid, such Payment to commence on the Fifth Day of *July* One thousand eight hundred and twenty two, and to be continued at such Periods and in such manner as Parliament may direct.

Dissents to be entered.

Persons dissenting how to be paid off.

Dissents of Accountant General in Chancery and Exchequer may be signified before 30th June 1822.

V. Provided always, and be it further enacted, That it shall be lawful for the Accountant General of the Court of Chancery, and also for the Accountant General of His Majesty's Court of Exchequer, respectively, at any Time before the Thirtieth Day of *June* One thousand eight hundred and twenty two, to signify to the Governor and Company of the Bank of *England*, on Behalf of any Suitors or others interested in any such Five Pounds *per Centum* Annuities standing in the Names of such Accountants General respectively, their Dissent under this Act, in respect of any of such Annuities; and General or Special Orders may be made in a summary Way, either upon Application by Motion or Petition of Suitors or Persons interested, or upon Motion by His Majesty's Attorney General, or otherwise, by the said Courts respectively, in respect of any such Annuities, either as to signifying or not signifying any such Dissents, or as to any other Matter or Thing relating

Orders by the said Courts made in a Summary way on Motion or Petition, in relation thereto, not to

lating to any such Annuities, or the Dividends thereof, or to any Four Pounds *per Centum* Annuities, which may be created in lieu thereof, or to the Application of any such Four Pounds *per Centum* Annuities, or the Dividends thereof; and no Application, Petition or Affidavit made by or on Behalf of any Suitor or other Person interested in any of such Annuities, or the Dividends thereof respectively, or Order or Report made, or other Proceeding had, in either of the said Courts respectively, in consequence of this Act, or which may arise out of any of the Provisions of this Act, in relation to the said Five Pounds *per Centum* Annuities respectively, or any Part or Share or Shares thereof, standing in the Names of the said Accountant General of the said Courts respectively, or in relation to any Four Pounds *per Centum* Annuities which may be created under this Act, and hereafter stand in the Names of the said Accountants General respectively, in lieu of the said Five Pounds *per Centum* Annuities before standing in their Names respectively, or the Dividends of such respective Annuities; nor any Copy or Copies of such Application, Petition, Affidavit, Order, Report or other Proceeding, shall be subject or liable to be stamped, or charged or chargeable with any Stamp Duties whatever, any Thing in any Act or Acts of Parliament to the contrary notwithstanding; and the said Accountants General respectively shall be deemed and taken to have consented to accept and receive Shares in the said New Four Pounds *per Centum* Annuities, in lieu of all such Five Pounds *per Centum* Annuities standing in their Names respectively, as to which no such Dissent shall have been signified by them respectively as aforesaid; and the said Accountants General of the said Courts of Chancery and Exchequer respectively shall be and are hereby fully indemnified against all Actions, Suits or Proceedings for or in respect of any Act, Matter or Thing done by them respectively, in pursuance of or under any of the Provisions of this Act, and also for and in respect of their respectively not signifying in any Case such their Dissent as aforesaid; and in case any Action, Suit or other Proceeding be commenced or instituted against the said Accountants General, or either of them, for or in respect of any such Act, Matter or Thing, or not signifying any Dissent as aforesaid, it shall and may be lawful for the Court in which such Action, Suit or Proceeding shall be commenced, or shall be pending, upon summary Application, to stay, and such Court is hereby required to stay, such Action, Suit or Proceeding, and to make such Order relative to the Costs thereof as such Court shall think expedient.

be subject to Stamp Duties.

If no Dissent, such Accountants General deemed to have accepted the New Stock. Indemnity of Accountants General.

Courts may stay Actions against them.

VI. And be it further enacted, That all Executors, Administrators, Guardians, Trustees and all Committees of the Estates of Idiots and Lunatics, who as such shall have the Controul over any Shares of the said respective Five Pounds *per Centum* Annuities, standing either in their own Names, or in the Name or Names of any Testator or Intestate, or of any Infant or Infants, or Idiot or Lunatic, may, if residing within the United Kingdom, signify such Dissent as aforesaid to the Governor and Company of the Bank of *England*, at any Time before the last Day of *March* One thousand eight hundred and twenty two; and if either of any Two or more of any such Executors, Administrators, Guardians, Trustees or Committees shall reside out of the United Kingdom, the Period within

Executors, Trustees, &c. may dissent.

within which such Dissent may be signified shall be regulated by the Residence of the most distant of such Executors, Administrators, Guardians, Trustees or Committees, in each case; and all Executors, Administrators, Guardians, Trustees and Committees, not signifying such Dissent within the Periods specified in this Act, according to such Residence, shall be deemed and taken to have assented, and they are hereby severally and respectively indemnified for not signifying such Dissent under this Act.

Not duly signifying Dissent taken to have assented.

Dividends how payable.

VII. And be it further enacted, That every Person who shall be entitled to receive the Dividends upon any Navy Five Pounds *per Centum* Annuities aforesaid shall be paid and receive the Dividend due thereon on the Fifth Day of *July* One thousand eight hundred and twenty two; and that every Person who shall be entitled to receive the Dividends upon any *Irish* Five Pounds *per Centum* Annuities aforesaid shall be paid and receive the Dividend which will become due on the Fifth Day of *April* One thousand eight hundred and twenty two, and shall be further entitled to One Quarter's Dividend thereon, which shall become due on the Fifth Day of *July* One thousand eight hundred and twenty two; and the said Five Pounds *per Centum* Annuities respectively shall be paid off, or converted into Four Pounds *per Centum* Annuities, as the case may require, from and after the said Fifth Day of *July* One thousand eight hundred and twenty two; and that every Transfer of the said *Irish* Five Pounds *per Centum* Annuities, or of any Annuities at the Rate of Five Pounds *per Centum per Annum*, payable in *Ireland*, which has taken place to or from the Books of the Governor and Company of the Bank of *England*, from or to the Books of the Governor and Company of the Bank of *Ireland*, since the said Twenty sixth Day of *February* One thousand eight hundred and twenty two, shall be and the same is hereby declared to be null and void.

Transfer of Irish 5l. per Cents. since 26th February 1822, void.

Books to be opened at the Bank of England for receiving Entries of the New 4l. per Cent. Annuities.

VIII. And be it further enacted, That it shall and may be lawful for the said Governor and Company of the Bank of *England*, at any Time after the First Day of *April* One thousand eight hundred and twenty two, to open Books for writing up and receiving the Entry into the New Four Pounds *per Centum* Annuities, of any of the Five Pounds *per Centum* Annuities before described, belonging to any Proprietor or Proprietors who may not have expressed his, her or their Dissent to receive such Four Pounds *per Centum* Annuities, and who may be desirous of converting his, her or their Five Pounds *per Centum* Annuities into the said Annuities at the Rate of Four Pounds *per Centum per Annum*, before the Fifth Day of *July* One thousand eight hundred and twenty two; but the Dividend or Dividends of the said Five Pounds *per Centum* Annuities, which would become due on the Fifth Day of *July* One thousand eight hundred and twenty two, shall be paid and payable to the Person or Persons in whose Name the said Five Pounds *per Centum* Annuities stood, immediately before they were so converted into Four Pounds *per Centum* Annuities, and the First Dividend of the said Four Pounds *per Centum* Annuities, notwithstanding such Conversion previously to the Fifth day of *July* One thousand eight hundred and twenty two, shall not become due until the Fifth Day of *January* One thousand eight hundred and twenty three.

Regulation as to Payment of Dividends of the Old 5l. per Cents. due 5th July 1822.

IX. And

'XI. And Whereas certain Debentures issued in *Ireland*, for 'the Sum of One hundred Pounds each, bearing an Interest of 'Five Pounds *per Centum per Annum*, payable at the Bank of '*England*, which have been allowed by different Acts of Parlia-'ment to be transferred into *Irish* Five Pounds *per Centum* Annui-'ties, transferrable at the Bank of *England*, have not been so 'transferred by the Holders thereof into such Five Pounds *per* '*Centum* Annuities, but still remain outstanding;' Be it therefore enacted, That every Holder of or Person entitled to any such Debenture or Debentures, who shall not write up or convert any such Debenture or Debentures into *Irish* Five Pounds *per Centum* Annuities, payable at the Bank of *England*, before the Sixteenth Day of *March* One thousand eight hundred and twenty two, and who shall not, on or before the said Sixteenth Day of *March*, express his, her or their Dissent to accept of the said Four Pounds *per Centum* Annuities, in lieu of the said Five Pounds *per Centum* Annuities so to be written up as aforesaid, shall be deemed to have assented to accept of Four Pounds *per Centum* Annuities in respect of the Amount contained in any such Debenture or Debentures, as if the same had been transferred into Five Pounds *per Centum* Annuities, and shall in lieu of the said Debentures receive and be entitled, from the Fifth Day of *July* One thousand eight hundred and twenty two, to such an Amount of New Four Pounds *per Centum* Annuities as they would have been entitled to if they had written up the said Debentures into Five Pounds *per Centum* Annuities, and had not expressed his, her or their Dissent to receive Four Pounds *per Centum* Annuities in lieu thereof.

Holders of certain Irish Debentures may receive the New 4l. per Centum Annuities.

X. And for the more easy and sure Payment of the Annuities established by this Act, it is hereby further enacted, That the said Governor and Company of the Bank of *England*, and their Successors, shall from time to time appoint and employ one or more sufficient Person or Persons within their Office in the City of *London*, to be their Chief or First Cashier or Cashiers, and one other sufficient Person within the same Office to be their Accountant General; and that the Monies from time to time, and at any time, being in the Receipt of the Exchequer, hereby made applicable to the Payment of the said Four Pounds *per Centum* Annuities, shall, by Order of the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer for the time being, without any further or other Warrant to be sued for, had or obtained in that Behalf be issued and paid at the said Receipt of Exchequer, to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the said Annuities; and that such Cashier or Cashiers to whom the said Monies shall from time to time be issued, shall from time to time, without Delay, apply and pay the same accordingly, and render his or their Accounts thereof, according to the due Course of the Exchequer.

Bank to appoint a Cashier and an Accountant General.

In the Exchequer Monies applicable to the New 4l. per Cents. to be paid to such Cashier.

XI. And it is hereby also enacted, That the said Accountant General for the time being shall, from time to time, inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereunto, in order to prevent any Fraud, Negligence or Delay.

Accountant General to examine Receipts and Payments.

All the Annuities created by this Act to be one Joint Stock.

XII. And be it further enacted, That all the said Annuities, after the Rate of Four Pounds *per Centum per Annum*, created by virtue of this Act, shall be deemed, reputed and taken to be One Capital or Joint Stock; and that all and every Person and Persons and Bodies Politic and Corporate whatsoever, shall have and be deemed to have a proportional Interest and Share in the said Stock, and in the Annuity attending the same, at the Rate aforesaid; and that the said whole Capital or Joint Stock, or any Share or Interest therein, and the proportional Annuity attending the same, shall be assignable and transferable as this Act directs, and not otherwise; and that there shall constantly be kept in the Office of the said Accountant General for the Time being, within the City of *London*, a Book or Books wherein all Assignments or Transfers of the said Capital or Joint Stock, or any Part thereof, and the proportional Annuity attending the same, at the Rate aforesaid, shall be entered and registered, which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if any such Party or Parties be absent, by his, her or their Attorney or Attornies, thereunto lawfully authorized, by Writing under his, her or their Hands and Seals, to be attested by Two or more credible Witnesses; and that the Person or Persons to whom such Transfer or Transfers shall be made shall respectively underwrite his, her or their Acceptance thereof; and that no other Method of assigning or transferring the said Stock, and the Annuities attending the same, or any Part thereof, or any Interest therein, shall be good and available in Law; and that no Stamp Duties whatsoever shall be charged on the said Transfers or any of them.

Books to be kept in Accountant General's Office.

Mode of transferring the New Stock.

Annuities to be Personal Estate.

XIII. And be it further enacted, That all Persons and Corporations entitled to any such Annuity or Annuities of Four Pounds *per Centum per Annum*, created by this Act, and his, her and their Administrators, Successors and Assigns respectively, and all Persons and Corporations lawfully claiming under him, her or them, shall have good, sure, absolute and indefeasible Estates and Interests in the said respective Annuities, according to the true Tenor and Meaning of this Act, and shall be possessed thereof as of a Personal Estate, devisable as such, and which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise, any Law, Custom or Usage to the contrary notwithstanding; but no Payment shall be made or Transfer allowed upon any Devise, until such Devise shall have been duly entered at the Bank.

And not liable to Foreign Attachment.

Powers of Attorney for Receipt of Dividends on 5l. per Cents. to remain in force for Receipt of New 4l. per Cents.

XIV. And be it further enacted, That all Powers of Attorney which shall be in force at the Time of passing this Act, and which would have remained in force if this Act had not passed, for the Receipt of Dividends, or for Sale or Transfer of any Five Pounds *per Centum* Annuities, which shall under or by virtue of this Act be converted into the said New Four Pounds *per Centum* Annuities, shall continue and remain in full force and Effect for receiving the Dividends which shall become due on the Four Pounds *per Centum* Annuities created by this Act in lieu thereof, or for selling or transferring any such Four Pounds *per Centum* Annuities, and also for receiving Dividends on any further Sum of such Four Pounds *per Centum* Annuities, which the Parties by whom such Letters of Attorney were given may hereafter purchase

chase or acquire, until such Powers are revoked or otherwise determined.

Certificates of Amount of Stock exchanged or paid off, &c. to be sent to Commissioners of the National Debt.

XV. And be it further enacted, That as soon after the Expiration of the respective Periods allowed by this Act, for signifying any Dissent under this Act, as the same can be done, Certificates shall be from time to time made out and transmitted to the Commissioners for the Reduction of the National Debt, by the proper Officer or Officers of the Bank of *England*, of the Amount of Five Pounds *per Centum* Annuities which shall have been exchanged into such New Four Pounds *per Centum* Annuities, or paid off under the Provisions of this Act, and of the Annual Interest which shall have ceased thereby, and also of the Capital Amount of such New Four Pounds *per Centum* Annuities created by such Exchange, and of the Annual Interest thereon.

Bank of England indemnified for Acts done by their Officers under this Act.

XVI. And be it further enacted, That this Act shall be and is hereby declared to be a full and complete Indemnity and Discharge to the said Governor and Company of the Bank of *England*, and the Governor and Company of the Bank of *Ireland*, their Officers and Servants, and every of them, for all things done or permitted to be done pursuant thereto; and that the same shall not be questioned or impeached in any Court of Law or Equity, whatsoever, to their Prejudice or Detriment.

Act may be altered, &c. this Session.

XVII. And be it further enacted, That this Act may be altered, varied or repealed by any Act to be passed in this Session of Parliament.

[*Annuities and Debentures of Five Pounds* per Cent. per Annum, *payable at the Bank of* Ireland, *converted into New Annuities of Four Pounds* per Cent. per Annum. *See Cap.* 17. *and Cap.* 61. *post.*]

CAP. X.

An Act to enable, in certain Cases, the Opening and Reading of Commissions under which the Judges sit upon the Circuits, after the Day appointed for holding Assizes.

[15th *March* 1822.]

'WHEREAS it has been deemed necessary that the Commis-
'sions under which the Judges sit upon their Circuits, or
'some of them, should be opened and read at the respective
'Places appointed in pursuance thereof for holding the Assizes,
'in the Presence of One at least of the Quorum Commissioners
'therein named, on the very Day appointed for holding such As-
'sizes; whereby much Inconvenience has arisen, and may here-
'after arise, in case of a Pressure of Business, at other Places, or
'from other unforeseen Circumstances:' For Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever it shall so happen that such Commissions shall not be opened and read in the Presence of One of the Quorum Commissioners, at any Place specified for holding the Assizes, on the very Day appointed for such Purpose, it shall and may be lawful to open and read the same, in the Presence of One of the Quorum Commissioners therein named, on the following

When Commissions shall not be opened and read at any Place specified on the Day named therein,

the same may be opened and read the following Day, not being Sunday, &c.

Day, or if such following Day shall be a *Sunday*, or any other Day of public Rest, then on the succeeding Day; and such Opening and Reading thereof shall be as effectual, to all Intents and Purposes, as if the same had been opened and read in the Presence of One of the Quorum Commissioners on the very Day appointed for that Purpose, and shall be deemed and taken to be an Opening and Reading thereof on the Day for that Purpose appointed; and all Records and other Proceedings under or relating to any Commission which may be opened and read by virtue of this Act, shall and may be drawn up, entered, and made out under the same Date, and in the same Form, in all Respects, as if such Commission had been opened and read on the Day originally appointed for that Purpose: Provided always, that the Judges and Quorum Commissioners are hereby directed and required to have such Commissions opened and read on the very Days appointed for that Purpose, unless the same shall be prevented by the Pressure of Business elsewhere, or by some unforeseen Cause or Accident.

Proviso.

Where Commissions are opened under this Act, the Cause of Delay to be certified to Lord Chancellor, &c. and inrolled.

II. And be it further enacted, That in every Case in which it shall happen that any such Commission shall be opened and read under the Provisions of and according to this Act, the Quorum Commissioner, before whom the same shall be so opened and read, shall, under his Hand and Seal, certify to the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the Time being, that the said Commission was so opened, and the Cause of the Delay of opening and reading the same; which Certificate shall be inrolled in the High Court of Chancery.

CAP. XI.

An Act for the regulating of His Majesty's Royal Marine Forces while on Shore. [21st *March* 1822.]

[*This Act and the Schedules thereto are the same as* 1 & 2 *G.* 4. *c.* 10. *except as to Dates.*]

CAP. XII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively, until the Twenty fifth Day of *March* One thousand eight hundred and twenty three; and to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors, to make and file the same on or before the last Day of *Trinity* Term One thousand eight hundred and twenty two, and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates. [21st *March* 1822.]

[*This Act is the same as* 1 & 2 *G.* 4. *c.* 5. *except as to Dates and the Section here retained.*]

‘ VIII. AND Whereas many Persons have omitted to cause Af-
‘ fidavits to be made, and afterwards to be filed in the proper
‘ Office,

'Office, of the actual Execution of several Contracts in Writing 'entered into by them to serve as Clerks to Attornies or Solici-'tors, Scriveners, or public Notaries in *Great Britain*, and such 'Contract and the Indenture thereof to be inrolled within the Time 'in which the same ought to have been done; and many Solicitors, 'Attornies, Notaries and others, may have omitted to take out 'annual Certificates, or to enter the same in the proper Office, and 'many Infants and others may thereby incur certain Disabilities;' For preventing thereof, and relieving such Persons, be it enacted, That every Person who at the passing of this Act shall have neglected or omitted to cause any such Affidavit or Affidavits as aforesaid to be made and filed, or such Contract or Indenture to be inrolled, and who, on or before the last Day of *Trinity* Term next after the passing of this Act, shall cause such Contract or Indenture to be inrolled with the proper Officer in that Behalf, and One or more Affidavit or Affidavits to be made, and afterwards to be filed in such Manner as the same ought to have been made and filed in due Time, shall be and is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities and Disabilities, in or by any Act or Acts of Parliament mentioned and incurred or to be incurred for or by reason of such Neglect or Omission; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the last Day of *Trinity* Term aforesaid, shall be as effectual to all Intents and Purposes as if the same had been made and filed within the respective Times the same ought, by the Laws now in being for that Purpose, to have been made and filed; and that the respective Officer or Officers who ought to receive, file, enter or register such Contract or Indenture, or Affidavit or Affidavits, shall not refuse to receive, file, enter or register the same, by reason that the Attorney, Solicitor or Notary Public, to whom such Infant or other Person shall have been articled or have contracted to serve, shall have neglected to take out his annual Certificate, or to register the same, but such Officer or Officers are hereby directed and empowered to receive, file, enter or register the same, notwithstanding such Omission; and that every Person who shall have regularly served any Attorney or Attornies, Solicitor or Solicitors, Public Notary or Public Notaries, for the Term of Years required by Law, shall not be prevented or disqualified from being admitted an Attorney, Solicitor or Public Notary, by reason of any Omission of the Person or Persons to whom he served for the same Term, or for any Part thereof, having so neglected to take out his annual Certificate or to register the same; provided that such Person is otherwise entitled to be created and admitted to such Office by the Laws now in force relating thereto.

Persons who shall cause Affidavits of having served as Clerks to Attornies, &c. to be filed before Trinity Term next, indemnified and discharged from Penalties.

CAP. XIII.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.

[21st *March* 1822.]

[*This Act is the same and all the Schedules are also the same as* 1 *&* 2 *G.* 4. *c.* 9. *except as to Dates and the Sections that are here retained.*]

See cap. 20. post.

'WHEREAS the raising or keeping a Standing Army within 'the United Kingdom of *Great Britain* and *Ireland* in 'Time of Peace, unless it be with the Consent of Parliament, is 'against Law: And Whereas it is judged necessary by His Ma- 'jesty, and this present Parliament, that a Body of Forces should 'be continued for the Safety of the United Kingdom, the De- 'fence of the Possessions of His Majesty's Crown, and the Pre- 'servation of the Balance of Power in *Europe*, and that the whole

Number of Forces, 71,779.

'Number of such Forces should consist of Seventy one thousand 'seven hundred and seventy nine effective Officers and Men, but 'exclusive of the Officers and Men belonging to the Regiments 'employed in the Territorial Possessions of the *East India* Com- 'pany, but including the Officers and Men of the Troops and Com- 'panies recruiting for those Regiments, and the Officers and Men 'of the Embodied Veterans: And Whereas no Man can be fore- 'judged of Life or Limb, or subjected in Time of Peace to any 'Kind of Punishment within this Realm by Martial Law, or in any 'other Manner than by the Judgment of his Peers, and according 'to the known and established Laws of this Realm; yet never- 'theless, it being requisite, for the retaining all the before men- 'tioned Forces in their Duty, that an exact Discipline be ob- 'served, and that Soldiers who shall mutiny or stir up Sedition, 'or shall desert His Majesty's Service, be brought to a more ex- 'emplary and speedy Punishment than the usual Forms of Law 'will allow;' Be it therefore enacted by the King's most Excel- lent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non Commissioned Officer or Soldier, shall at any Time during the Continuance of this Act begin, excite, cause or join in any Mutiny or Sedition in His Majesty's Land or Marine Forces, or shall not use his utmost En- deavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Inform- ation thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or de- liver up any Garrison, Fortress, Post or Guard committed to his Charge, or which he shall be commanded to defend; or shall com- pel the Governor or Commanding Officer of any Garrison, Fortress or Post, to deliver up to the Enemy, or to abandon the same; or shall speak Words, or use any other Means to induce such Go- vernor or Commanding Officer or others to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, For-

Every Officer or Private Man, during the Continuance of this Act, who shall mutiny or desert, &c.;

tress,

tress, Post or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved; or shall be found sleeping on his Post; or shall hold Correspondence with, or give Advice or Intelligence to any Rebel or Enemy of His Majesty, either by Letters, Messages, Signs or Tokens in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy, without His Majesty's Licence, or Licence of the General or Chief Commander; or shall strike or use any Violence against his superior Officer, being in the Execution of his Office; or shall disobey any lawful Command of his superior Officer; or shall desert His Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of His Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court Martial shall be awarded.

or shall be found sleeping upon or shall desert his Post, &c. Death, or such Punishment as a Court Martial may inflict.

LXX. And be it further enacted, That it shall and may be lawful for any Justice of the Peace for the County, Town or Place where any Non Commissioned Officer or Soldier shall be quartered in that Part of *Great Britain* called *England*, in case such Non Commissioned Officer or Private Soldier have either Wife or Child or Children, to cause such Non Commissioned Officer or Soldier to be summoned before him, in the Town or Place where such Non Commissioned Officer or Soldier shall be quartered, in order to make Oath of the Place of his last legal Settlement (which Oath such Justice is hereby empowered to administer); and such Non Commissioned Officer or Private Soldier as aforesaid is hereby directed to obey such Summons, and to make Oath accordingly; and such Justice is hereby required to take the Examination of such Non Commissioned Officer or Soldier in Writing, and to give an attested Copy of the Examination so taken before him to the Person so examined, to be by him delivered to his Commanding Officer, in order to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence, as to such last legal Settlement, before any of His Majesty's Justices of the Peace, or at any General or Quarter Sessions of the Peace, although such Non Commissioned Officer or Soldier be dead or absent from the Kingdom: Provided always, that in case any Non Commissioned Officer or Private Soldier shall be again summoned to make Oath as aforesaid, then on such Examination or such attested Copy thereof being produced by him, or by any other Person on his Behalf, such Non Commissioned Officer or Soldier shall not be obliged to take any other or further Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Clause relating to Soldiers' Settlements for their Wives and Children when quartered in England.

Proviso.

CXVII. And for the better Encouragement of any Person or Persons to secure or apprehend such Deserters from His Majesty's Service, be it further enacted, That such Justice of the Peace shall also, without Fee or Reward to himself or Clerk, issue his Warrant in Writing to the Collector or Collectors of the Land Tax Money of the Parish or Township in *Great Britain*, where any Deserter shall be so committed, or in *Ireland* to the Collector or

Reward for taking up Deserters.

Collectors of His Majesty's Revenue in the District where any Deserter shall be so committed, for paying out of the Land Tax Money or Revenue arisen or to arise in the Year One thousand eight hundred and twenty two, into the Hands of such Person or Persons as shall apprehend or cause to be apprehended any Deserter from His Majesty's Service, the sum of Twenty Shillings for every such Deserter as shall be apprehended and committed; which Sum of Twenty Shillings shall be satisfied by such Collector or Collectors to whom such Warrant shall be directed, and allowed upon his or their Account.

CAP. XIV.

An Act for rectifying Mistakes in the Names of the Land Tax Commissioners, and for appointing additional Commissioners, and indemnifying such Persons as have acted without due Authority in Execution of the Acts therein recited.

[21st *March* 1822.]

1 & 2 G. 4. c. 123.

'WHEREAS it is expedient to rectify Mistakes made in the naming or describing Persons appointed Commissioners by an Act made in the last Session of Parliament, intituled *An Act for appointing Commissioners for carrying into Execution an Act of this Session of Parliament, for granting to His Majesty a Duty on Pensions and Offices in* England, *and an Act made in the Thirty eighth Year of the Reign of His late Majesty, for granting an Aid to His Majesty by a Land Tax to be raised in* Great Britain, *for the Service of the Year One thousand seven hundred and ninety eight;* and there may be Occasion to appoint other Persons to put in Execution the said Act made in the Thirty eighth Year of the Reign of His late Majesty, for granting an Aid to His Majesty by a Land Tax to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and ninety eight; and also an Act of this Session of Parliament, intituled *An Act for continuing to His Majesty certain Duties on Sugar, Tobacco and Snuff, Foreign Spirits and Sweets, in* Great Britain; *and on Pensions, Offices and Personal Estates, in* England, *and for receiving the Contributions of Persons receiving Pensions and holding Offices for the Service of the Year One thousand eight hundred and twenty two:*' May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Persons hereinafter named shall and may and are hereby empowered and authorized to put in execution the said Acts, and all the Clauses, Powers, Matters and Things whatsoever, therein contained, as Commissioners in and for the several and respective Counties and Places of *Great Britain* hereinafter severally and respectively mentioned and expressed, as if they had been named with the other Commissioners in the said Act of the last Session of Parliament, and properly described therein; (that is to say,)

c. 6. ante.

The Persons herein named appointed Commissioners.

[*Here follow the Names of the Commissioners.*]

And

And no Mistake in the spelling of the Christian or Surname of any Person or of any Place mentioned in the said Act of the last Session of Parliament or this Act, shall be construed to vitiate the Appointment of such Person to be a Commissioner, so that the Person or Place mentioned be designated therein to common Intent and Understanding, or to subject any Person so designated to any Pains, Penalty or Forfeiture for his acting in the Execution of the Acts herein mentioned.

Mistakes in spelling the Names of Commissioners not to vitiate the Appointment.

II. Provided always, and be it enacted, That the several Persons appointed by the said Act or this Act shall severally have the Qualifications required by an Act passed in the Thirty eighth Year of His late Majesty's Reign, intituled *An Act for granting an Aid to His Majesty by a Land Tax to be raised in* Great Britain, *for the Service of the Year One thousand seven hundred and ninety eight*; and also of an Act of the same Session of Parliament, intituled *An Act to alter and amend so much of an Act passed in the present Session of Parliament, intituled 'An Act for granting an Aid to His Majesty by a Land Tax, to be raised in* Great Britain, *for the service of the year One thousand seven hundred and ninety eight,' as relates to the Qualifications of Commissioners*, and shall be subject to the several Penalties and Forfeitures contained in the said Acts respectively.

Commissioners to have the Qualifications required by 38 G. 3. c. 5.

38 G. 3. c. 48.

III. Provided also, and be it further enacted, That where in any City, Liberty or Place, the Qualification shall consist of Personal Estate, it shall be lawful for any Person having a Personal Estate of the Value required by the said Acts, or either of them, to act as such Commissioner in all Cases where such Person shall have been taxed, and shall have paid for such Personal Estate, by and upon the last Assessment then made for such City, Liberty or Place by virtue of any Act for continuing and granting to His Majesty a Duty on Pensions, Offices, and Personal Estates in *England*, passed before the making of such Assessments; any thing in the said Acts or either of them contained to the contrary notwithstanding.

Proviso where Qualifications consist of Personal Estate.

'IV. And Whereas several Persons may have acted as Commissioners for executing the said Acts without having been properly named as Commissioners by the said Act made in the last Session of Parliament, intituled *An Act for appointing Commissioners for carrying into Execution an Act of this Session of Parliament for granting to His Majesty a Duty on Pensions and Offices in* England, *and an Act made in the Thirty eighth Year of His late Majesty, for granting an Aid to His Majesty by a Land Tax to be raised in* Great Britain, *for the Service of the Year One thousand seven hundred and ninety eight*; and others, named in former Acts of Parliament to be Commissioners, may have been omitted in the said Act of the last Session of Parliament, and may have acted as aforesaid before Notice of such Omission: And Whereas it is expedient that such Persons should be indemnified for such acting, and that all Acts by them done should be confirmed and made valid;' Be it therefore enacted, That all Acts done by any such Persons in the Execution of the said Acts, or of any other Acts to be executed by such Commissioners, shall be and are hereby declared to be valid; and that all personal Actions and Suits, Indictments, Informations and all Prosecutions and Proceedings

1 & 2 G. 4. c. 123.

Persons having acted as Commissioners without having been properly named, &c.

indemnified, and Acts done by them valid.

ings whatsoever which have been or shall be prosecuted or commenced against any Person or Persons for or by reason of such acting are declared to be void by virtue of this Act, and shall be quashed and determined; and that if any Action or Suit shall be prosecuted or commenced against any Person or Persons for or by reason of such acting, such Person or Persons may plead the General Issue, and give this Act and the special Matter in Evidence.

CAP. XV.

An Act for further continuing, until the Twenty fifth Day of *March* One thousand eight hundred and twenty three, an Act of the Fifty eighth Year of His late Majesty, for preventing Aliens from becoming naturalized, or being made or becoming Denizens, except in certain Cases.

[21st *March* 1822.]

58 G. 3. c. 97.

'WHEREAS an Act was passed in the Fifty eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent Aliens, until the Twenty fifth Day of March One thousand eight hundred and nineteen, from becoming naturalized, or being made or becoming Denizens, except in certain Cases*: And Whereas the said Act has by several subsequent Acts been continued until the Twenty fifth Day of *March* One thousand eight hundred and twenty two: And Whereas it is expedient that the said recited Act and the Provision therein contained should be continued for a further Period:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first recited Act, and the Provisions therein contained, shall be and the same is and are hereby further continued in force until the Twenty fifth Day of *March* One thousand eight hundred and twenty three; and that until the said Twenty fifth Day of *March* One thousand eight hundred and twenty three, no Alien shall become a naturalized Subject, or be made or become a Denizen, or become entitled to the Privileges of a naturalized Subject or Denizen, contrary to the Provisions of the said first recited Act.

Further continued till March 25, 1823.

Act may be altered, &c. this Session.

II. And be it further enacted, That the said recited Act and this Act may be altered, amended or repealed, by any Act or Acts to be passed in this Session of Parliament.

CAP. XVI.

An Act to amend an Act, made in the last Session of Parliament, for amending the several Acts for the Regulation of Attornies and Solicitors. [3d *April* 1822.]

1 & 2 G. 4. c. 48. § 4. repealed and

'WHEREAS by an Act made in the last Session of Parliament, intituled *An Act to amend the several Acts for the Regulation of Attornies and Solicitors*, it is among other Things provided and enacted, that nothing in the said Act contained shall extend or be construed to extend to any Person who shall take or shall have taken such Degree of Bachelor of Law as in the

'the said Act is contained within Eight Years after such Matri-
'culation as in the said Act is mentioned: And Whereas by Mis-
'take certain Words were omitted in the said Proviso and
'Enactment, and it is expedient that the said Proviso and Enact-
'ment should be amended in Manner hereinafter mentioned;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, and it is hereby enacted and provided, That nothing in the said Act contained shall extend or be construed to extend to any Person who shall take or shall have taken such Degree of Bachelor of Law as in the said Act is mentioned, unless such Person shall have taken or shall take such last mentioned Degree within Eight Years after such Matriculation as in the said Act is mentioned; and that so much of the said recited Act shall be repealed whereby it is provided and enacted, that nothing in the said Act contained shall extend or be construed to extend to any Person who shall take or shall have taken such Degree of Bachelor of Law within Eight Years after such Matriculation, and so much of the said recited Act is hereby repealed accordingly.

not to extend to Persons taking the Degree of Bachelor of Law, unless such Persons shall have taken such Degree within Eight Years after Matriculation.

CAP. XVII.

An Act for converting Annuities and Debentures of Five Pounds *per Centum per Annum*, payable at the Bank of *Ireland*, into new Annuities of Four Pounds *per Centum per Annum*. [3d *April* 1822.]

'Most Gracious Sovereign,

'WE, Your Majesty's most dutiful and loyal Subjects, the 'Commons of the United Kingdom of *Great Britain* and '*Ireland*, in Parliament assembled, having taken into our serious 'Consideration the present State of the National Debt, and being 'desirous of lessening the Charge thereof, have resolved, that 'all and every Person and Persons, and Bodies Politic and Cor-'porate, who on behalf of themselves, or in trust for others, now 'is or are, or hereafter may be interested in or entitled unto any 'Part of the National Debt redeemable by Law, which now 'carries an Interest after the Rate of Five Pounds *per Centum per* 'Annum, and is known by the Name of Five *per Centum* Annuities 'and Government Debentures, payable at the Bank of *Ireland*, 'and who shall not signify his, her or their Dissent in the Manner 'hereinafter mentioned, shall, in lieu of every One hundred 'Pounds of such Five *per Centum* Annuities or Debentures, 'receive and be entitled to the Sum of One hundred and five 'Pounds in a new Stock, to be called "The New *Irish* Four 'Pounds *per Centum* Annuities," and to carry Interest after the 'Rate of Four Pounds *per Centum per Annum*, and so in propor-'tion for any greater or less Amount of such Five *per Centum* 'Annuities or Debentures; and that the Dividends of such New 'Four Pounds *per Centum* Annuities shall be payable Half Yearly 'at the Bank of *Ireland*, upon the Fifth Day of *April* and the 'Tenth Day of *October* in each and every Year; and the First 'Half Yearly Dividend thereon shall be payable on the Fifth Day 'of *April* One thousand eight hundred and twenty three; and that the

'the said New Four Pounds *per Centum* Annuities shall be subject 'and liable to Redemption upon and at any Time after the Fifth 'Day of *April* One thousand eight hundred and twenty nine: And 'have also resolved, that the Interest and Dividends payable in 'respect of the said New Four Pounds *per Centum* Annuities 'shall be charged and chargeable upon, and shall be issued and 'paid out of the Consolidated Fund of the United Kingdom of '*Great Britain* and *Ireland*, in the same Manner as the Interest 'and Dividends of the Five Pounds *per Centum* Annuities now 'stand charged on the said Fund: And have also resolved, that 'Provision should be made by the House of Commons for paying 'off such Proprietor or Proprietors of the said Five Pounds *per* '*Centum* Annuities or Debentures, as shall signify his, her, or their 'Dissent from accepting and receiving any Share in the said New 'Four Pounds *per Centum* Annuities in lieu thereof: And have 'also resolved, that every Proprietor or Proprietors of the Five 'Pounds *per Centum* Annuities or Debentures aforesaid shall 'receive the Dividend due on the said Annuities, and the Interest 'due on such Debentures, on the Tenth Day of *October* One 'thousand eight hundred and twenty two:' We, Your Majesty's most faithful Commons, do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons, Bodies Politic or Corporate, who on behalf of themselves, or in trust for others, now is or are, or hereafter may be interested in or entitled unto any Part of the National Debt redeemable by Law, which now carries an Interest after the Rate of Five Pounds *per Centum per Annum*, and is known by the Name of Five *per Centum* Annuities, and Five *per Centum* Government Debentures, payable at the Bank of *Ireland*, and who shall not signify his, her, or their Dissent in Manner hereinafter mentioned, shall, in lieu of every One hundred Pounds of such Five Pounds *per Centum* Annuities or Debentures respectively, receive and be entitled to the Sum of One hundred and five Pounds in a new Stock to be called "The New *Irish* Four Pounds *per Centum* Annuities," and to carry an Interest after the Rate of Four Pounds *per Centum per Annum*; and so in proportion for any greater or less Amount of such Five Pounds *per Centum* Annuities or Debentures respectively; and that the Dividends of such New Four Pounds *per Centum* Annuities shall be payable Half Yearly at the Bank of *Ireland*, upon the Fifth Day of *April* and the Tenth Day of *October* in each and every Year; and that the First Half Yearly Dividend on the said New Four Pounds *per Centum* Annuities shall be payable on the Fifth Day of *April* One thousand eight hundred and twenty three; and that the said New Four Pounds *per Centum* Annuities shall be subject and liable to Redemption, upon and at any Time after the Fifth Day of *April* One thousand eight hundred and twenty nine, and not before that Period, and shall be free from all Taxes, Charges and Impositions, in the like Manner as the said Five *per Centum* Annuities.

Every Person entitled to Irish Five per Cents. or Debentures, not dissenting, shall for every 100l. receive 105l. New Four per Centum Annuities.

Dividends to be paid Half Yearly.

Liable to Redemption.

Interest of such Four per Cents.

II. And be it further enacted, That the Interest and Dividends, payable in respect of the said New Four Pounds *per Centum* Annuities

Annuities shall be charged and chargeable upon, and shall be issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in the same Manner as the Interest and Dividends of the said Five Pounds *per Centum* Annuities now stand charged on the said Fund. charged on Consolidated Fund.

III. And be it further enacted, That all and every Person and Persons, Bodies Politic or Corporate, who shall hold or be possessed of any such Five Pounds *per Centum* Annuities, or any such Debenture or Debentures as aforesaid, who shall not within the Period commencing on *Friday* the Twelfth Day of *April* One thousand eight hundred and twenty two, ending on *Saturday* the Twentieth Day of *April* One thousand eight hundred and twenty two, both Days inclusive (but within the usual Hours of Business at the Bank of *Ireland* upon those Days), signify, in Manner hereinafter directed, his, her or their Dissent from accepting and receiving a Share in the said New Four Pounds *per Centum* Annuities, in lieu of his, her or their respective Shares in the said Five Pounds *per Centum* Annuities, or in lieu of the Debenture or Debentures holden by him, her or them, shall be deemed and taken to have consented to accept and receive such Share in the said New Four Pounds *per Centum* Annuities, in lieu of such Five Pounds *per Centum* Annuities or Debentures, as the Case may be: Provided always, that if any Person or Persons holding or possessing such Five Pounds *per Centum* Annuities or Debentures shall not have been within the Limits of the United Kingdom, or the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark* or *Man*, at any Time between the Twentieth Day of *March* and the Twentieth Day of *April* One thousand eight hundred and twenty two, but shall be in any other Part of *Europe*, it shall be lawful for such Person or Persons to signify such Dissent at any time before the First Day of *July* One thousand eight hundred and twenty two; and if any such Person or Persons shall not at any Time between the Twentieth Day of *March* and the First Day of *July* One thousand eight hundred and twenty two, be within any Part of *Europe*, it shall be lawful for him, her or them to signify such Dissent at any Time before the First Day of *March* One thousand eight hundred and twenty three, such Person or Persons proving to the Satisfaction of the Governor and Directors of the Bank of *Ireland*, or any Two or more of them, his, her or their Absence from the United Kingdom, and the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney* or *Man*, or out of *Europe*, as the Case shall happen; and that his, her or their Share or Shares of such Five Pounds *per Centum* Annuities stood in his, her or their Name or Names respectively, or in the Name or Names of any One or more Trustee or Trustees on his, her or their Behalf, on the Twentieth Day of *March* One thousand eight hundred and twenty two, in the Books of the Governor and Company of the Bank of *Ireland*, or that such Person or Persons was or were the Holder or Holders of such Debenture or Debentures on the said Twentieth Day of *March* One thousand eight hundred and twenty two; and provided also that such Person or Persons so absent from the United Kingdom, or out of *Europe*, shall signify his, her or their Dissent within Ten Days after his, her or their Return to the United Kingdom.

Persons who shall not, between 12th and 20th April 1822, dissent from receiving the New 4l. per Cent. Annuities, shall be deemed assenting.

Proviso for Parties out of the United Kingdom,

and out of Europe.

Proviso for signifying Dissent of the Return.

IV. And

Parties dissenting, to signify the same, with the Amount of their Stock or Debentures, at the Bank of Ireland, between 12th and 20th April 1822, &c.

IV. And be it further enacted, That all Persons and Bodies Politic and Corporate, possessed of any Part of the said Five Pounds *per Centum* Annuities, or of any such Five *per Centum* Debenture or Debentures, and who shall desire to signify such Dissent as aforesaid, shall, between the Twelfth and Twentieth Days of *April* One thousand eight hundred and twenty two, both inclusive, (but within the usual Hours of transacting Business at the Bank of *Ireland*,) by themselves or some Agent or Agents for that Purpose duly authorized, signify to the Governor and Company of the Bank of *Ireland* such Dissent in Writing, under his, her or their Hand or Hands, or under the Hand or Hands of his, her or their Agent or Agents, authorized as aforesaid, together with the Amount of his, her or their respective Shares in the said Five Pounds *per Centum* Annuities, or the Amount of his, her or their respective Debenture or Debentures, as the Case may be: Provided always, that in Cases where Persons under the Provisions of this Act are allowed to signify their Dissent at any Time after the said Twentieth Day of *April* One thousand eight hundred and twenty two, it shall be lawful for such Persons, or their Agents, to signify such Dissent at any Time after the said Twentieth Day of *April* One thousand eight hundred and twenty two, and within the Periods respectively allowed for the signifying of such Dissent;

Dissents to be entered.

and all such Dissents shall be entered in a Book or Books to be opened and kept by the said Governor and Company for that Purpose, and numbered in the Order in which such Dissents shall be received by the said Governor and Company; and in case of any Transfer of such Shares of such Annuities, or any Part or Parts thereof, or of any such Debenture, after such Dissent, the Part or Parts of such Annuities, or the Debenture or Debentures so transferred, shall be entered in the Books of the said Governor and Company, under the same Numbers as were affixed to such shares when the Dissent or Dissents was or were so signified;

Persons dissenting how to be paid off.

and every such Person or Persons so dissentient, or his, her or their Assigns, or the Executors or Administrators of such Assigns, under any such Transfer, shall be paid off in the numerical Order in which his, her or their Name or Names shall be entered in such Books as aforesaid, such Payment to commence on the Tenth Day of *October* One thousand eight hundred and twenty two, and to be continued at such Periods and in such Manner as Parliament may direct.

Dissents of Accountant General in Chancery and Exchequer may be signified before 30th July 1822. Orders by the said Courts in relation thereto to be made in a summary Way on Motion or Petition and not to be subject to Stamp Duties.

V. Provided always, and be it enacted, That it shall be lawful for the Accountant General of the Court of Chancery, and also for the Accountant General of His Majesty's Court of Exchequer in *Ireland* respectively, at any Time before the Thirtieth Day of *July* One thousand eight hundred and twenty two, to signify to the Governor and Company of the Bank of *Ireland*, on Behalf of any Suitors or others interested in any such Five Pounds *per Centum* Annuities or Debentures, standing in the Names or placed to the Account of such Accountants General respectively, their Dissent under this Act, in respect of any such Annuities or Debentures, and that general or special Orders may be made in a summary Way, either upon Application by Motion or Petition of Suitors or Persons interested, or upon Motion by His Majesty's Attorney General for *Ireland*, or otherwise by the said Courts respectively,

spectively, in respect of any such Annuities or Debentures, either as to signifying or not signifying any such Dissents, or as to any other Matter or Thing relating to any such Annuities or Debentures, or the Dividends or Interest thereof, or to any Four Pounds *per Centum* Annuities which may be created in lieu thereof, or to the Application of any such Four Pounds *per Centum* Annuities, or the Dividends thereof, so far as the same may become necessary in consequence of this Act, or arise out of the Provisions thereof; and that no such Application or Petition, or any Affidavit relative thereto, nor any Order or Report made, or other Proceeding had thereon in either of the said Courts respectively, nor any Copy or Copies of any such Application, Petition, Affidavit, Order, Report or other Proceeding, shall be subject or liable to be stamped, or charged or chargeable with any Stamp Duties whatever, any Thing in any Act or Acts of Parliament to the contrary notwithstanding; and the said Accountants General respectively shall be deemed and taken to have consented to accept and receive Shares in the said New Four Pounds *per Centum* Annuities, in lieu of all such Five Pounds *per Centum* Annuities or Debentures, standing in their Names or placed to their Account respectively, as to which no such Dissent shall have been signified by them respectively as aforesaid; and the said Accountants General of the said Courts of Chancery and Exchequer respectively shall be and are hereby fully indemnified against all Actions, Suits or Proceedings for or in respect of any Act, Matter or Thing done by them respectively in pursuance of or under any of the Provisions of this Act, and also for and in respect of their respectively not signifying in any Case such their Dissent as aforesaid; and in case any Action, Suit or Proceeding be commenced or instituted against the said Accountants General, or either of them, for or in respect of any such Matter or Thing, or not signifying any Dissent as aforesaid, it shall and may be lawful for the Court in which such Action, Suit or Proceeding shall be commenced or shall be pending, upon summary Application, to stay, and such Court is hereby required to stay such Action, Suit or Proceeding, and to make such Order relative to the Costs thereof as such Court shall think expedient.

If no Dissent, such Accountant General deemed to have accepted the New Stock.

Indemnity of Accountants General.

Courts may stay Actions against them.

VI. Provided also, and be it enacted, That all Executors, Administrators, Guardians and Trustees of or for any Person or Persons, and all Committees of the Estates of Idiots and Lunatics, who as such shall have the Controul over any Shares of the said Five Pounds *per Centum* Annuities, standing either in their own Names or in the Name or Names of any Testator or Intestate, or of any Infant or Infants, Idiot or Lunatic, or other Person or Persons, or who shall have the Controul over any such Five *per Centum* Debenture or Debentures, may, if residing within the United Kingdom, or the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney* or *Man*, signify such Dissent as aforesaid, to the Governor and Company of the Bank of *Ireland*, at any Time before the last Day of *April* One thousand eight hundred and twenty two; and if any or either of any Two or more of any such Executors, Administrators, Guardians, Trustees or Committees, shall reside out of the United Kingdom, the Period within which such Dissent may be signified shall be regulated by the Residence of the most distant of such Executors, Administrators, Guardians, Trustees or Committees, in each

Executors, Trustees, &c. may dissent.

Not duly signifying Dissent, taken to have assented.

each Case; and all Executors, Administrators, Guardians, Trustees and Committees, not signifying such Dissent within the Periods specified in this Act, according to such Residence, shall be deemed and taken to have assented, and they are hereby severally and respectively indemnified for not signifying such Dissent under this Act.

Dividends and Interest on Five per Cents., at what Time payable.

VII. And be it further enacted, That every Person who shall be entitled to receive the Dividends or Interest upon any Five Pounds *per Centum* Annuities or Debentures as aforesaid, shall be paid and receive the Dividend or Interest due on such Annuities or Debentures respectively, on the Tenth Day of *October* One thousand eight hundred and twenty two; and the said Five Pounds *per Centum* Annuities, and Five *per Centum* Debentures respectively, shall be paid off or converted into Four Pounds *per Centum* Annuities, as the Case may require, from and after the said Tenth Day of *October* One thousand eight hundred and twenty two.

Books to be opened at the Bank of Ireland, for receiving Entries of the New 4l. per Cent. Annuities before 10th October 1822.

VIII. And be it further enacted, That it shall and may be lawful for the said Governor and Company of the Bank of *Ireland*, at any Time after the First Day of *May* One thousand eight hundred and twenty two, to open Books for writing up and receiving the Entry into the New Four Pounds *per Centum* Annuities, of any of the Five Pounds *per Centum* Annuities or Debentures before described, belonging to any Person or Persons who may not have expressed his, her or their Dissent to receive such Four Pounds *per Centum* Annuities, and who may be desirous of converting his, her or their Five Pounds *per Centum* Annuities or Debentures into the said Annuities at the Rate of Four Pounds *per Centum per Annum*, before the Tenth Day of *October* One thousand eight hundred and twenty two; but the Dividend or Dividends of the said Five Pounds *per Centum* Annuities or Debentures, which would become due on the Tenth Day of *October* One thousand eight hundred and twenty two, shall be paid and payable to the Person or Persons in whose Name the said Five Pounds *per Centum* Annuities stood, or who was or were the Holder or Holders of such Debentures immediately before they were so converted into Four Pounds *per Centum* Annuities, and the First Dividend of the said Four Pounds *per Centum* Annuities, notwithstanding such Conversion previously to the Tenth Day of *October* One thousand eight hundred and twenty two, shall not become due until the Fifth Day of *April* One thousand eight hundred and twenty three.

Regulations as to Payment of Dividends of the Old 5l. and New 4l. per Cents.

Bank to employ their Cashier and Accountant General.

IX. And for the more easy and sure Payment of the Annuities established by this Act, be it further enacted, That the said Governor and Company of the Bank of *Ireland*, and their Successors, shall from time to time employ their Chief or First Cashier or Cashiers, and their Accountant General, in the Execution of this Act; and that the Monies from time to time necessary for Payment of the said Four Pounds *per Centum* Annuities, shall, by Warrant of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, countersigned by the Vice Treasurer of *Ireland* for the Time being, in Manner directed by an Act made in the Fifty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to unite and consolidate into One Fund all the Public Revenues of* Great Britain *and* Ireland, *and to provide for the Application thereof to the General*

Monies in the Exchequer to be paid on Warrant, as by 56 G. 3. c. 98., to the Cashier.

General Service of the United Kingdom, be issued and paid, according to the Course of the said Exchequer, to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *Ireland*, and their Successors for the Time being, for the Payment of the said Annuities; and that such Cashier or Cashiers to whom the said Monies shall from time to time be issued, shall from time to time, without Delay, apply and pay the same accordingly, and render his or their Accounts thereof, according to the due Course of the said Exchequer.

Accountant General to examine Receipts and Payments.

X. And be it further enacted, That the said Accountant General of the said Bank of *Ireland* for the Time being, shall from time to time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereunto, in order to prevent any Fraud, Negligence, or Delay.

All the Annuities created by this Act, to be one Joint Stock.

XI. And be it further enacted, That all the said Annuities after the Rate of Four Pounds *per Centum per Annum*, created by virtue of this Act, shall be deemed, reputed and taken to be One Capital or Joint Stock; and that all and every Person and Persons, and Bodies Politic and Corporate whatsoever, shall have and be deemed to have a proportional Interest and Share in the said Stock, and in the Annuity attending the same, at the Rate aforesaid; and that the said whole Capital or Joint Stock, or any share or Interest therein, and the proportional Annuity attending the same, shall be assignable and transferrable as this Act directs, and not otherwise; and that there shall constantly be kept in the Office of the said Accountant General of the said Bank of *Ireland* for the Time being, within the City of *Dublin*, a Book or Books wherein all Assignments or Transfers of the said Capital or Joint Stock, or any Part thereof, and the proportional Annuity attending the same, at the Rate aforesaid, shall be entered and registered, which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if any such Party or Parties be absent, by his, her or their Attorney or Attornies, thereunto lawfully authorized, by Writing under his, her or their Hands or Seals, to be attested by Two or more credible Witnesses; and that the Person or Persons to whom such Transfer or Transfers shall be made, shall respectively underwrite his, her or their Acceptance thereof; and that no other Method of assigning or transferring the said Stock and the Annuities attending the same, or any Part thereof, or any Interest therein, shall be good and available in Law; and that no Stamp Duties whatsoever shall be charged on the said Transfers, or any of them.

Books to be kept in the Accountant General's Office.

Mode of Transferring the New Stock.

No Stamps.

Powers of Attorney for Receipt of Dividends or Interest on 5l. per Cents. or Debentures, to remain in force for Receipts of New 4l. per Cents.

XII. And be it further enacted, That all Powers of Attorney which shall be in force at the Time of the passing of this Act, and which would have remained in force if this Act had not passed, for the Receipt of Dividends or Interest, or for Sale or Transfer of any Five Pounds *per Centum* Annuities or Debentures, which shall under or by virtue of this Act be converted into the said New Four Pounds *per Centum* Annuities, shall continue and remain in full force and effect for receiving the Dividends which shall become due on the Four Pounds *per Centum* Annuities created by this Act in lieu thereof, or for selling or transferring any such Four Pounds *per Centum* Annuities, and also for receiving

ing Dividends on any further Sum of such Four Pounds *per Centum* Annuities which the Parties by whom such Letters of Attorney were given may hereafter purchase or acquire, until such Powers shall be revoked or otherwise determined.

Certificates of Amount of Stock exchanged or paid off, &c. to be sent to Commissioners of the National Debt, in London.

XIII. And be it further enacted, That so soon after the Expiration of the respective Periods allowed by this Act, for signifying any Dissent under this Act, as the same can be done, Certificates shall be from time to time made out and transmitted to the Commissioners for the Reduction of the National Debt in *London*, by the proper Officer or Officers of the Bank of *Ireland*, of the Amount of Five Pounds *per Centum* Annuities and Debentures, which shall have been exchanged into such New Four Pounds *per Centum* Annuities, or paid off under the Provisions of this Act, and of the annual Interest which shall have ceased thereby, and also of the Capital Amount of such new Four Pounds *per Centum* Annuities created by such Exchange, and of the annual Interest thereon.

Bank of Ireland indemnified for Acts done by their Officers under this Act.

XIV. And be it further enacted, That this Act shall be and the same is hereby declared to be a full and complete Indemnity and Discharge to the said Governor and Company of the Bank of *Ireland*, their Officers and Servants, and every of them, for all Things done or permitted to be done pursuant thereto; and that the same shall not be questioned or impeached in any Court of Law or Equity whatsoever to their Prejudice or Detriment.

After 5th July 1822, New English Four per Cents. may be tranferred into Old Irish Four per Cents.

XV. And be it further enacted, That at any Time after the Fifth Day of *July* One thousand eight hundred and twenty two, it shall and may be lawful for any Person or Persons who shall hold Stock in the New Four Pounds *per Centum* Annuities, transferrable at the Bank of *England*, created by any Act passed or to be passed in this Session of Parliament (*a*), to transfer, or cause to be transferred, such Stock or Annuities, for the Purpose of having corresponding Sums written into and consolidated with and made Part of the Capital of the Old Four Pounds *per Centum* Annuities, transferrable at the Bank of *Ireland*; and that at any Time after the Tenth Day of *October* One thousand eight hundred and twenty two, it shall and may be lawful for any Person or Persons whatever, who shall hold Stock in the New Four Pounds *per Centum* Annuities, transferrable at the Bank of *Ireland*, created under this present Act, to transfer, or cause to be transferred, such Stock or Annuities, for the Purpose of having corresponding Sums written into and consolidated with, and made Part of the Capital of the Old Four Pounds *per Centum* Consolidated Annuities, transferrable at the Bank of *England*; and that the Scale upon which such Transfers shall be made shall be as follows; that is to say, that every Person who shall transfer any such Sum or Sums respectively, shall, for every One hundred Pounds in the said New Four Pounds *per Centum* Annuities payable at the Bank of *England*, so transferred, be entitled to the Sum of One hundred and eight Pounds Six Shillings and Eight Pence, in the Old Four Pounds *per Centum* Annuities, payable at the Bank of *Ireland*; and for every One hundred Pounds in the said New Four Pounds *per Centum* Annuities, payable at the Bank of *Ireland*, so transferred, such Person shall be entitled to the Sum of Ninety two Pounds Six Shil-

And after 10th October 1822, New Irish Four per Cents. may be transferred into Old English Four per Cents.

At the Rates herein mentioned.

(*a*) *Cap.* 9. *ante*, and *Cap.* 61. *post.*

lings

lings and Six Pence in the Old Four Pounds *per Centum* Consolidated Annuities, payable at the Bank of *England*: And all such Transfers shall be made under such Rules, Regulations and Provisions, and subject to such Restrictions as are contained in an Act made in the Fifty seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to permit the Transfer of Capital from certain Public Stocks or Funds in* Great Britain *to certain Public Stocks or Funds in* Ireland; and of an Act made in the Fifty eighth Year of His said late Majesty's Reign, for amending the said recited Act of the Fifty seventh Year, and of an Act made in the last Session of Parliament, intituled *An Act to permit, for Three Years, the Transfer from certain Public Stocks or Funds in* Ireland, *to certain Public Stocks or Funds in* Great Britain; and that such Transfer of the said New Four Pounds *per Centum* Annuities, transferrable at the Bank of *Ireland*, shall be permitted and allowed only during the Continuance of the said last recited Act; and that all the Rules, Regulations, Restrictions, Directions, Penalties and Forfeitures, contained in the said recited Acts, or any of them, shall be applied and put in execution, with respect to the Transfers authorized to be made under this Act, as fully as if the same were repeated and re-enacted in this Act, and as if the said several Four Pounds *per Centum* Annuities had been mentioned and particularized in the said several recited Acts.

Under the Regulations of 57 G. 3. c. 79. 58 G. 3. c. 80. 1 & 2 G. 4. c. 73.

XVI. And be it further enacted, That this Act may be amended, altered or repealed by any Act to be passed in this Session of Parliament.

Act may be altered, &c. this Session.

CAP. XVIII.

An Act to repeal the Excise Duty on Malt charged by an Act made in the Second Year of His present Majesty, to allow the said Duty on Malt in Stock, and to make Regulations for better securing the Duties on Malt.

[3d *April* 1822.]

'WHEREAS it is expedient that the Duty of Excise on Malt 'charged by an Act made in the Second Year of the Reign 'of his present Majesty, for continuing to his Majesty certain Du- 'ties on Malt, Sugar, Tobacco and Snuff, Foreign Spirits and 'Sweets, in *Great Britain*, and on Pensions, Offices and Personal 'Estates in *England*, for the Service of the Year One thousand 'eight hundred and twenty one, should be repealed;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fifth Day of *February* One thousand eight hundred and twenty two, the said Duty of Excise on Malt charged and imposed by the said recited Act, shall cease and determine, and shall be no longer paid or payable, save and except in all Cases relating to the recovering, allowing or paying any Arrear thereof which at that Time remained unpaid, or to any Fine, Penalty or Forfeiture relating thereto, which at any Time before that Day had been incurred.

1 & 2 G. 4. c. 3.

Duty on Malt by recited Act to cease after Feb. 25, 1822.

Allowance of 1s. per Bushel to Maltsters, &c for Stock produced within a certain Time, after the Deductions herein mentioned.

II. And be it further enacted, That there shall be paid and allowed as hereinafter mentioned, to every Maltster or Maker of Malt, Seller or Retailer of Malt, Common Brewer, Distiller, Victualler and Vinegar Maker, One Shilling for every Bushel of all dry unground Malt produced to and taken account of by the proper Officer of Excise after the Fifteenth Day of *February*, and before the Third Day of *March* One thousand eight hundred and twenty two, as the Stock of such Maltster or Maker of Malt, Seller or Retailer of Malt, Common Brewer, Distiller, Victualler or Vinegar Maker, and for which all the Duties payable by Law upon or in respect of Malt had then been charged or paid, deducting from such Account Twelve *per Centum* on Brown or Porter Malt, and Five *per Centum* on all other dry unground Malt, for the Swell and Increase thereof, over the Quantity of such Malt charged with Duty; such Allowance to be payable and paid to the Holders of such Stock by Four equal Instalments, on the Four usual Quarter Days, commencing the Fifth Day of *July* One thousand eight hundred and twenty two, subject nevertheless to the Conditions and Regulations hereinafter contained.

Duty not charged for Grain in Operation.

III. And be it further enacted, That the Duty hereby repealed shall not be paid or payable for or in respect of any Corn or Grain actually in Operation for the making thereof into Malt by any Maltster or Maker of Malt, at or after the Time when the Officer or Officers of Excise took an Account of the dry unground Malt in the Stock, Custody or Possession of such Maltster or Maker of Malt.

Officer to give a Certificate to Maltsters, &c. entitled to Allowance, of the Quantities of Brown or Porter or other Malt, taken after such Deduction, &c.

IV. And be it further enacted, That the Officer and Officers of Excise, or some or one of them, who shall have taken such Account as aforesaid, shall with all convenient Speed after the passing of this Act, and without Fee or Reward, give to every Maltster and Maker of Malt, Seller or Retailer of Malt, Common Brewer, Distiller, Victualler and Vinegar Maker, entitled to the Allowance aforesaid, for or in respect of any such Malt, a Certificate expressing the Quantities of such Brown or Porter or other Malt respectively, after such Deduction as aforesaid, so taken account of, and the Amount of the Allowance for and upon such Malt, and specifying the Name and Place of Abode of the Person or Persons of whose Stock such Account was taken, and whether he, she or they was or were at that Time a Maltster or Maltsters, or Maker or Makers of Malt, or Seller or Sellers, or Retailer or Retailers of Malt, Common Brewer or Common Brewers, Distiller, or Distillers, Victualler or Victuallers, or Vinegar Maker or Vinegar Makers respectively.

Forging or using a false Certificate, Penalty 200l., of 40s. for every Bushel of Malt expressed in such Certificate.

V. And be it further enacted, That if any Person or Persons shall counterfeit or forge, or cause to be counterfeited or forged, any Certificate by this Act required or directed, or shall knowingly or willingly give any false or untrue Certificate, or shall fraudulently alter or erase, or cause to be fraudulently altered or erased, any Certificate granted by any Officer or Officers of Excise, or any Part thereof, or shall produce or make use of any Certificate, knowing the same to be forged, counterfeited, false, untrue, altered or erased, every such Person or Persons shall for each and every such Offence forfeit and pay the Sum of Two hundred Pounds, or Forty Shillings *per* Bushel for every Bushel of Malt mentioned

mentioned or expressed in such Certificate, at the Election of his Majesty's Attorney General.

On Production of Certificate to the proper Officer, and Oath made that the Duty on the Malt has been paid, and that the Account of the Malt for which Allowance is claimed is just, and of other the Matters herein mentioned, the Sum specified in the Certificate shall be paid in Manner herein mentioned.

VI. And be it further enacted, That on any such Certificate given by any Officer or Officers of Excise for any Allowance to be made or granted by virtue of this Act as aforesaid, being produced by such Maltster or Maker of Malt, Seller or Retailer of Malt, Common Brewer, Distiller, Victualler or Vinegar Maker, or his, her or their Agent or Agents, to the Commisioners of Excise, or to the Person appointed by them or any Three of them to receive the same, within the Limits of the Chief Office of Excise in *London*, or to the Collector of Excise of the Collection in which any such Certificate was granted, out of the said Limits; and on Oath being made by such Maltster and Maker of Malt, Seller or Retailer of Malt, Common Brewer, Distiller, Victualler or Vinegar Maker, before any of the said Commissioners of Excise, or the Person appointed by the said Commissioners of Excise or any Three of them for that purpose, or before the Collector of Excise of the Collection in which such Certificate was granted (which Oath the said Commissioners, and the Person appointed by them, and the several Collectors and Supervisors of Excise, are respectively hereby authorized and empowered to administer), that he, she or they believes or believe that all the proper Duties have been paid or charged for or in respect of the whole Quantity of the Malt specified in such Certificate, and that the said Malt, or any Part thereof, hath not been taken an Account of for the purpose of obtaining the Allowance granted by this Act more than once, or in any Place or Places save and except in the Stock, Custody or Possession of the Person or Persons making the said Oath, and claiming the Allowance for or in respect of such Malt; and that the whole Quantity of the said Malt, of the respective Kinds mentioned in such Certificate, was, at the Time therein specified, in his, her or their Custody and Possession, and was the sole Property of the said Person or Persons, or was held by him, her or them as the Property of, and for the Use of, some other Maltster or Maker of Malt, Seller or Retailer of Malt, Common Brewer, Distiller, Victualler or Vinegar Maker; and that the said Certificate is true, to the best of his, her or their Knowledge and Belief; and that no false Statement, Art or Contrivance was used to deceive the Officer taking an Account of such Malt or any Part thereof, or to render the Account or Amount thereof expressed in such Certificate untrue; the said Commissioners of Excise, or the major Part of them, or such Collector as aforesaid, being satisfied of the Truth of such Oath, shall out of the Money in their Hands respectively on account of the Duties on Malt, if they respectively shall have sufficient Money on such Account, pay to the Maltster or Maker of Malt, Seller or Retailer of Malt, Common Brewer, Distiller, Victualler or Vinegar Maker, or to his, her or their Agent or Agents entitled to the same, the Sum of Money specified in such Certificate in manner following; that is to say; One Fourth Part thereof on the Fifth Day of *July* One thousand eight hundred and twenty two, One Fourth Part thereof on the Tenth Day of *October* One thousand eight hundred and twenty two, One Fourth Part thereof on the Fifth Day of *January* One thousand eight hundred and twenty three, and the remaining One Fourth Part thereof on the Fifth

Day of *April* One thousand eight hundred and twenty three; and if the said Commissioners or Collectors respectively shall not at such Times have sufficient Money on such Account in their respective Hands for the Purpose aforesaid, the said Commissioners or Collectors respectively shall pay the said Allowance out of any Money in their respective Hands arising from the consolidated Duties of Excise.

'VII. And Whereas Maltsters or Makers of Malt, Sellers or 'Retailers of Malt, Common Brewers, Distillers, Victuallers or 'Vinegar Makers, may have made Sales or Deliveries, or Con- 'tracts or Agreements for the Sale or Delivery of Malt, as Malt 'in respect of which the full Duties of Three Shillings and Six 'Pence *per* Bushel were charged or paid; but for which, as Part 'of the Stock as aforesaid of such Maltsters or Makers of Malt, 'Sellers or Retailers of Malt, Common Brewers, Distillers, Vic- 'tuallers or Vinegar Makers, the Allowance of the Duty hereby 'repealed is by this Act granted; and it is reasonable that Pro- 'vision should be made by this Act for Relief of the Buyers of 'such Malt, so far as the Amount of the Duty hereby repealed 'and allowed formed a Part of the Price of the Malt so sold or 'delivered, or for which such Contracts or Agreements have been 'made, and shall be paid to the Seller of such Malt in respect 'thereof;' Be it therefore enacted, That every Maltster or Maker of Malt, Seller or Retailer of Malt, Common Brewer, Distiller, Victualler or Vinegar Maker, who shall have sold or delivered, or contracted or agreed to sell or deliver, any Malt in respect of which the Duty hereby repealed is by this Act allowed, and which Malt was so sold or delivered, or contracted or agreed to be sold or delivered, as Malt which was charged with or had paid the full Duties of Three Shillings and Sixpence *per* Bushel, shall abate and deduct, and if the Purchase Money has been paid, shall refund and return to the Buyer of such Malt, from the Price for which such Malt was so sold or delivered or contracted or agreed to be sold or delivered, the whole of the Allowance granted by this Act, and received by the Seller of such Malt in respect thereof, and shall stand and be possessed of the Amount of the Allowance so granted and received as Money had and received to the Use of the Buyer of such Malt; and that no Action or Suit at Law or in Equity, shall be brought or be maintainable against the Buyer of any such Malt by any Maltster or Maker of Malt, Seller or Retailer of Malt, Common Brewer, Distiller, Victualler or Vinegar Maker, being the Seller thereof, for so much of the Price of such Malt as shall be equal to the Amount of the Allowance of Duty granted by this Act, and so received by such Seller; and all Proceedings brought or instituted for the Recovery thereof, shall be null and void to all Intents and Purposes whatsoever.

Buyers of Malt charged with the Duties of 3s. 6d. per Bushel, entitled to the Allowance granted by this Act, and the Sellers shall abate or refund the same accordingly.

And no Action maintainable against the Buyer for the Amount in respect of the Price.

VIII. Provided always, and be it further enacted, That whatever Sum or Sums of Money shall be paid as aforesaid, out of the consolidated Duties of Excise, shall be replaced to such consolidated Duties out of the first Monies that shall arise and be received from and on account of the Duties of Excise on Malt, in preference to all other Payments whatsoever.

Sums paid out of consolidated Duties to be replaced out of the Duties on Malt.

IX. And be it further enacted, That every Person who shall knowingly or wilfully take a false Oath on or in relation to any

Taking a false Oath in relation to Certificates.

such Certificate as aforesaid, or any of the Matters therein expressed or contained, shall for every such Offence forfeit and lose the Sum of Two hundred Pounds or Forty Shillings *per* Bushel for every Bushel of Malt mentioned or expressed in such Certificate, at the Election of His Majesty's Attorney General. Penalty.

X. And be it further enacted, That there shall be granted, allowed and paid, for and upon every Barrel of Strong Beer or Ale made or brewed after the Twenty fifth Day of *February* One thousand eight hundred and twenty two, in *Great Britain*, and for which all the Duties payable by Law shall have been charged or paid, and which shall be duly exported to Foreign Parts as Merchandize, a Drawback of Fourteen Shillings and Two Pence only, in lieu of the Drawback now payable on Beer so exported; and which Beer shall be exported, and the said Drawback thereupon hereby granted shall be allowed and paid in such and the like manner, and subject to all and every the like Conditions, Restrictions, Rules, Regulations, Provisions, Pains, Penalties and Forfeitures, as Beer exported and the Drawback thereupon granted were made subject and liable to by an Act made in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, for granting to His said late Majesty certain additional Duties of Excise on Tea, Coffee and Cocoa Nuts, Tobacco and Snuff, Pepper, Malt and *British* Spirits, and consolidating the same with the former Duties thereon, and for amending certain Laws of Excise relating thereto. For every Barrel of Strong Beer or Ale brewed after Feb. 25, 1822, and exported, a Drawback allowed of 14s. 2d. as by 59 G. 3. c. 53.

'XI. And Whereas by the said Act made in the Fifty ninth 'Year aforesaid, it was enacted, that all Beer and Ale above the 'Price of Eighteen Shillings the Barrel (exclusive of the Duties) 'shall be denominated, deemed and taken to be Strong Beer or 'Ale, and all Beer of the Price of Eighteen Shillings the Barrel '(exclusive of the Duties) shall be denominated, deemed and taken 'to be Table Beer within the Meaning of that Act and of all other 'Acts of Parliament in force relating to Beer or Ale: And 'Whereas it is expedient, on the Reduction by this Act of the 'Duty payable on Malt, that so much of the above Act as is 'above recited should be repealed, and the Price of Table Beer 'thereby reduced to Sixteen Shillings *per* Barrel, exclusive of the 'Duties;' Be it therefore enacted, That from and after the passing of this Act, so much of the said Act made in the Fifty ninth Year aforesaid as is herein before recited, shall be and the same is hereby repealed; and that from and after the passing of this Act, all Beer and Ale above the Price of Sixteen Shillings the Barrel (exclusive of the Duties) shall be denominated, deemed, and taken to be Strong Beer or Ale, and all Beer of the Price of Sixteen Shillings the Barrel or under (exclusive of the Duties) shall be denominated, deemed and taken to be Table Beer within the Meaning of the several Acts of Parliament in force relating to Beer or Ale. 59 G. 3. c. 53. § 25. Beer and Ale above 16s. the Barrel (exclusive of Duties), deemed Strong, and Beer of 16s., or under, deemed Table Beer.

'XII. And Whereas Maltsters and Makers of Malt for Export- 'ation do frequently mix the Produce of Two or more Steepings 'of Corn or Grain, that have been entered to be made into Malt 'for Exportation, on or as soon as it comes off from the Kiln, by 'reason whereof the Officers for the Duties on Malt cannot ascer- 'tain the real Produce thereof, by which Means great Quantities of 'each Grain making into Malt for Exportation to be kept separate from other Steepings, until measured in

Parties dissenting, to signify the same, with the Amount of their Stock or Debentures, at the Bank of Ireland, between 12th and 20th April 1822, &c.

IV. And be it further enacted, That all Persons and Bodies Politic and Corporate, possessed of any Part of the said Five Pounds *per Centum* Annuities, or of any such Five *per Centum* Debenture or Debentures, and who shall desire to signify such Dissent as aforesaid, shall, between the Twelfth and Twentieth Days of *April* One thousand eight hundred and twenty two, both inclusive, (but within the usual Hours of transacting Business at the Bank of *Ireland*,) by themselves or some Agent or Agents for that Purpose duly authorized, signify to the Governor and Company of the Bank of *Ireland* such Dissent in Writing, under his, her or their Hand or Hands, or under the Hand or Hands of his, her or their Agent or Agents, authorized as aforesaid, together with the Amount of his, her or their respective Shares in the said Five Pounds *per Centum* Annuities, or the Amount of his, her or their respective Debenture or Debentures, as the Case may be: Provided always, that in Cases where Persons under the Provisions of this Act are allowed to signify their Dissent at any Time after the said Twentieth Day of *April* One thousand eight hundred and twenty two, it shall be lawful for such Persons, or their Agents, to signify such Dissent at any Time after the said Twentieth Day of *April* One thousand eight hundred and twenty two, and within the Periods respectively allowed for the signifying of such Dissent;

Dissents to be entered.

and all such Dissents shall be entered in a Book or Books to be opened and kept by the said Governor and Company for that Purpose, and numbered in the Order in which such Dissents shall be received by the said Governor and Company; and in case of any Transfer of such Shares of such Annuities, or any Part or Parts thereof, or of any such Debenture, after such Dissent, the Part or Parts of such Annuities, or the Debenture or Debentures so transferred, shall be entered in the Books of the said Governor and Company, under the same Numbers as were affixed to such shares when the Dissent or Dissents was or were so signified;

Persons dissenting how to to be paid off.

and every such Person or Persons so dissentient, or his, her or their Assigns, or the Executors or Administrators of such Assigns, under any such Transfer, shall be paid off in the numerical Order in which his, her or their Name or Names shall be entered in such Books as aforesaid, such Payment to commence on the Tenth Day of *October* One thousand eight hundred and twenty two, and to be continued at such Periods and in such Manner as Parliament may direct.

Dissents of Accountant General in Chancery and Exchequer may be signified before 30th July 1822. Orders by the said Courts in relation thereto to be made in a summary Way on Motion or Petition and not to be subject to Stamp Duties.

V. Provided always, and be it enacted, That it shall be lawful for the Accountant General of the Court of Chancery, and also for the Accountant General of His Majesty's Court of Exchequer in *Ireland* respectively, at any Time before the Thirtieth Day of *July* One thousand eight hundred and twenty two, to signify to the Governor and Company of the Bank of *Ireland*, on Behalf of any Suitors or others interested in any such Five Pounds *per Centum* Annuities or Debentures, standing in the Names or placed to the Account of such Accountants General respectively, their Dissent under this Act, in respect of any such Annuities or Debentures, and that general or special Orders may be made in a summary Way, either upon Application by Motion or Petition of Suitors or Persons interested, or upon Motion by His Majesty's Attorney General for *Ireland*, or otherwise by the said Courts respectively,

always from time to time in every Fifteen Months after the Fifth Day of *July*, remove and clear out of such Storehouse or other Place, in order to be exported, all and every Part or Parcel of Malt that at any Time within the Fifteen Months next after the Fifth Day of *July* preceding, shall be locked up and secured in any Storehouse, or in any other Place or Places that shall be made use of by him, her or them, for the keeping of Malt for Exportation, on pain of forfeiting and losing the Sum of Fifty Pounds.

Penalty 50*l*.

XVI. And be it further enacted, That if after the shipping of any Malt made to be exported, the Malt so shipped to be exported, or any Part thereof, shall be relanded in any Part of *Great Britain*, then and in every such case, all the Malt which shall be relanded, and Treble the Value thereof, shall be forfeited; (that is to say), One Moiety thereof to the King, and the other Moiety to the Person or Persons who shall seize, inform or sue for the same; and such Malt so relanded shall and may be seized by any Officer or Officers of the Customs or Excise.

Malt relanded after being shipped, forfeited, and Penalty of Treble its Value.

XVII. And be it further enacted, That in all Cases where Application shall be made under any Law now in force for Relief in case of Malt lost or destroyed, it shall and may be lawful to and for the respective Proprietors of such Malt to make Proof of such Loss, and the Cause thereof, on the Oath or Oaths of One or more credible Witness or Witnesses, and of the Duty in respect of such Malt having been duly charged or paid by the respective Maltsters, Makers or Owners thereof, either before the Justices of the Peace of the County, Riding, or Division where such Malt was kept at the Time the Accident happened, or had been loaded or put on board the Vessel in which the Loss was sustained, or next adjoining to the Place where such Accident happened or was first discovered, at their General Quarter Sessions, or before the Commissioners of Excise for the Time being, or any Three of them, who are hereby severally and respectively empowered to summon before them the Witnesses necessary to make such Proof, under the Penalty for Non-attendance of Twenty Pounds, to be levied by Distress and Order of such Justices or Commissioners respectively, and to administer to such Witnesses the Oath herein before mentioned; and upon such Proof being made by such Witnesses, or by legal Documents, to grant such Certificate and make such Order and Allowance for Relief as is and are directed by the said Act or Acts of Parliament in that case made and provided: Provided always, that no such Person or Persons shall be entitled to any Relief or Allowance in any such case, unless Notice in Writing of the Accident by which such Loss has been sustained, describing the Nature, Cause and Extent of such Loss as aforesaid, shall be delivered to the Commissioners of Excise, or to the Supervisor of Excise of the District in which such Accident shall have happened, or where such Loss shall have been first discovered, within Three Days next afterwards; or unless such Person or Persons as aforesaid, who shall have sustained such Loss or Damage, or his, her or their Agents, shall give or leave Notice in Writing with the Supervisor or Collector of Excise of the Division or Collection where such Quarter Sessions shall be held, of his, her or their Intention *to apply* for such Allowance or Relief, or to the Solicitor of

In Cases of Application for Relief when Malt has been lost or destroyed, Proof of such Loss to be made on Oath in manner herein mentioned.

Notice of the Accident by which Loss has been sustained to be delivered to the Excise.

each Case; and all Executors, Administrators, Guardians, Trustees and Committees, not signifying such Dissent within the Periods specified in this Act, according to such Residence, shall be deemed and taken to have assented, and they are hereby severally and respectively indemnified for not signifying such Dissent under this Act.

Dividends and Interest on Five per Cents., at what Time payable.

VII. And be it further enacted, That every Person who shall be entitled to receive the Dividends or Interest upon any Five Pounds *per Centum* Annuities or Debentures as aforesaid, shall be paid and receive the Dividend or Interest due on such Annuities or Debentures respectively, on the Tenth Day of *October* One thousand eight hundred and twenty two; and the said Five Pounds *per Centum* Annuities, and Five *per Centum* Debentures respectively, shall be paid off or converted into Four Pounds *per Centum* Annuities, as the Case may require, from and after the said Tenth Day of *October* One thousand eight hundred and twenty two.

Books to be opened at the Bank of Ireland, for receiving Entries of the New 4l. per Cent. Annuities before 10th October 1822.

VIII. And be it further enacted, That it shall and may be lawful for the said Governor and Company of the Bank of *Ireland*, at any Time after the First Day of *May* One thousand eight hundred and twenty two, to open Books for writing up and receiving the Entry into the New Four Pounds *per Centum* Annuities, of any of the Five Pounds *per Centum* Annuities or Debentures before described, belonging to any Person or Persons who may not have expressed his, her or their Dissent to receive such Four Pounds *per Centum* Annuities, and who may be desirous of converting his, her or their Five Pounds *per Centum* Annuities or Debentures into the said Annuities at the Rate of Four Pounds *per Centum per Annum*, before the Tenth Day of *October* One thousand eight hundred and twenty two; but the Dividend or Dividends of the said Five Pounds *per Centum* Annuities or Debentures, which would become due on the Tenth Day of *October* One thousand eight hundred and twenty two, shall be paid and payable to the Person or Persons in whose Name the said Five Pounds *per Centum* Annuities stood, or who was or were the Holder or Holders of such Debentures immediately before they were so converted into Four Pounds *per Centum* Annuities, and the First Dividend of the said Four Pounds *per Centum* Annuities, notwithstanding such Conversion previously to the Tenth Day of *October* One thousand eight hundred and twenty two, shall not become due until the Fifth Day of *April* One thousand eight hundred and twenty three.

Regulations as to Payment of Dividends of the Old 5l. and New 4l. per Cents.

Bank to employ their Cashier and Accountant General.

IX. And for the more easy and sure Payment of the Annuities established by this Act, be it further enacted, That the said Governor and Company of the Bank of *Ireland*, and their Successors, shall from time to time employ their Chief or First Cashier or Cashiers, and their Accountant General, in the Execution of this Act; and that the Monies from time to time necessary for Payment of the said Four Pounds *per Centum* Annuities, shall, by Warrant of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, countersigned by the Vice Treasurer of *Ireland* for the Time being, in Manner directed by an Act made in the Fifty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to unite and consolidate into One Fund all the Public Revenues of* Great Britain *and* Ireland, *and to provide for the Application thereof to the General*

Monies in the Exchequer to be paid on Warrant, as by 56 G. 3. c. 98., to the Cashier.

General Service of the United Kingdom, be issued and paid, according to the Course of the said Exchequer, to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *Ireland*, and their Successors for the Time being, for the Payment of the said Annuities; and that such Cashier or Cashiers to whom the said Monies shall from time to time be issued, shall from time to time, without Delay, apply and pay the same accordingly, and render his or their Accounts thereof, according to the due Course of the said Exchequer.

Accountant General to examine Receipts and Payments.

X. And be it further enacted, That the said Accountant General of the said Bank of *Ireland* for the Time being, shall from time to time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereunto, in order to prevent any Fraud, Negligence, or Delay.

All the Annuities created by this Act, to be one Joint Stock.

XI. And be it further enacted, That all the said Annuities after the Rate of Four Pounds *per Centum per Annum*, created by virtue of this Act, shall be deemed, reputed and taken to be One Capital or Joint Stock; and that all and every Person and Persons, and Bodies Politic and Corporate whatsoever, shall have and be deemed to have a proportional Interest and Share in the said Stock, and in the Annuity attending the same, at the Rate aforesaid; and that the said whole Capital or Joint Stock, or any share or Interest therein, and the proportional Annuity attending the same, shall be assignable and transferrable as this Act directs, and not otherwise; and that there shall constantly be kept in the Office of the said Accountant General of the said Bank of *Ireland* for the Time being, within the City of *Dublin*, a Book or Books wherein all Assignments or Transfers of the said Capital or Joint Stock, or any Part thereof, and the proportional Annuity attending the same, at the Rate aforesaid, shall be entered and registered, which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if any such Party or Parties be absent, by his, her or their Attorney or Attornies, thereunto lawfully authorized, by Writing under his, her or their Hands or Seals, to be attested by Two or more credible Witnesses; and that the Person or Persons to whom such Transfer or Transfers shall be made, shall respectively underwrite his, her or their Acceptance thereof; and that no other Method of assigning or transferring the said Stock and the Annuities attending the same, or any Part thereof, or any Interest therein, shall be good and available in Law; and that no Stamp Duties whatsoever shall be charged on the said Transfers, or any of them.

Books to be kept in the Accountant General's Office.

Mode of Transferring the New Stock.

No Stamps.

Powers of Attorney for Receipt of Dividends or Interest on 5l. per Cents. or Debentures, to remain in force for Receipts of New 4l. per Cents.

XII. And be it further enacted, That all Powers of Attorney which shall be in force at the Time of the passing of this Act, and which would have remained in force if this Act had not passed, for the Receipt of Dividends or Interest, or for Sale or Transfer of any Five Pounds *per Centum* Annuities or Debentures, which shall under or by virtue of this Act be converted into the said New Four Pounds *per Centum* Annuities, shall continue and remain in full force and effect for receiving the Dividends which shall become due on the Four Pounds *per Centum* Annuities created by this Act in lieu thereof, or for selling or transferring any such Four Pounds *per Centum* Annuities, and also for receiving

ing Dividends on any further Sum of such Four Pounds *per Centum* Annuities which the Parties by whom such Letters of Attorney were given may hereafter purchase or acquire, until such Powers shall be revoked or otherwise determined.

Certificates of Amount of Stock exchanged or paid off, &c. to be sent to Commissioners of the National Debt, in London.

XIII. And be it further enacted, That so soon after the Expiration of the respective Periods allowed by this Act, for signifying any Dissent under this Act, as the same can be done, Certificates shall be from time to time made out and transmitted to the Commissioners for the Reduction of the National Debt in *London*, by the proper Officer or Officers of the Bank of *Ireland*, of the Amount of Five Pounds *per Centum* Annuities and Debentures, which shall have been exchanged into such New Four Pounds *per Centum* Annuities, or paid off under the Provisions of this Act, and of the annual Interest which shall have ceased thereby, and also of the Capital Amount of such new Four Pounds *per Centum* Annuities created by such Exchange, and of the annual Interest thereon.

Bank of Ireland indemnified for Acts done by their Officers under this Act.

XIV. And be it further enacted, That this Act shall be and the same is hereby declared to be a full and complete Indemnity and Discharge to the said Governor and Company of the Bank of *Ireland*, their Officers and Servants, and every of them, for all Things done or permitted to be done pursuant thereto; and that the same shall not be questioned or impeached in any Court of Law or Equity whatsoever to their Prejudice or Detriment.

After 5th July 1822, New English Four per Cents. may be tranferred into Old Irish Four per Cents.

XV. And be it further enacted, That at any Time after the Fifth Day of *July* One thousand eight hundred and twenty two, it shall and may be lawful for any Person or Persons who shall hold Stock in the New Four Pounds *per Centum* Annuities, transferrable at the Bank of *England*, created by any Act passed or to be passed in this Session of Parliament (*a*), to transfer, or cause to be transferred, such Stock or Annuities, for the Purpose of having corresponding Sums written into and consolidated with and made Part of the Capital of the Old Four Pounds *per Centum* Annuities, transferrable at the Bank of *Ireland*; and that at any Time after the Tenth Day of *October* One thousand eight hundred and twenty two, it shall and may be lawful for any Person or Persons whatever, who shall hold Stock in the New Four Pounds *per Centum* Annuities, transferrable at the Bank of *Ireland*, created under this present Act, to transfer, or cause to be transferred, such Stock or Annuities, for the Purpose of having corresponding Sums written into and consolidated with, and made Part of the Capital of the Old Four Pounds *per Centum* Consolidated Annuities, transferrable at the Bank of *England*; and that the Scale upon which such Transfers shall be made shall be as follows; that is to say, that every Person who shall transfer any such Sum or Sums respectively, shall, for every One hundred Pounds in the said New Four Pounds *per Centum* Annuities payable at the Bank of *England*, so transferred, be entitled to the Sum of One hundred and eight Pounds Six Shillings and Eight Pence, in the Old Four Pounds *per Centum* Annuities, payable at the Bank of *Ireland*; and for every One hundred Pounds in the said New Four Pounds *per Centum* Annuities, payable at the Bank of *Ireland*, so transferred, such Person shall be entitled to the Sum of Ninety two Pounds Six Shil-

And after 10th October 1822, New Irish Four per Cents. may be transferred into Old English Four per Cents.

At the Rates herein mentioned.

(*a*) *Cap.* 9. *ante*, and *Cap.* 61. *post.*

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and declared to be subject to all such Conditions, Provisions, Restraints, Rules and Regulations, as to the Application thereof, and as to the Accounts to be rendered of the Application thereof, as is or are contained in the said recited Act of the Fifty eighth Year of the Reign of His said late Majesty, of and concerning all Sums to be raised off any County, or County of a City or County of a Town, for establishing or supporting Dispensaries therein.

as if the Enactments had been inserted herein.

II. And be it therefore further enacted, That the said Enactments and Provisions shall be and are hereby enacted to be of equal Force with regard to any Sum or Sums of Money to be raised under this Act, as if the same were hereby and herein, Word by Word and Paragraph by Paragraph, inserted and re-enacted; any thing to the contrary in the said recited Act or this present Act contained notwithstanding.

CAP. XXII.

An Act to amend an Act, passed in the First Year of His present Majesty's Reign, for the Assistance of Trade and Manufactures in *Ireland*, by authorising the Advance of certain Sums for the Support of Commercial Credit there.

[15th *May* 1822.]

'WHEREAS an Act was passed in the First Year of His present Majesty's Reign, intituled *An Act for the Assistance of Trade and Manufactures in* Ireland, *by authorizing the Advance of certain Sums for the Support of Commercial Credit there;* and it was thereby, amongst other Things, enacted, that the Principal Sums which should be advanced, as therein provided, should be paid with Interest as therein directed, by such Instalments, and in such Proportions, and at such Periods and Times, as the Commissioners appointed under the said Act, with the Consent of the Lord Lieutenant, should direct and appoint, and as should be specified accordingly in the Securities to be taken for the same; And Whereas divers Sums, to the Amount of One hundred and sixty two thousand eight hundred and forty eight Pounds Eighteen Shillings and One Penny, have been lent and advanced under the Provisions of the said Act, upon Securities so taken as aforesaid; and the latest Period so specified in any of the said Securities for the Repayment of the Sum thereby secured, or any Part thereof, is the Eleventh Day of *July* in the Year of our Lord One thousand eight hundred and twenty two, and the Times so specified for the Payment of the Sums so advanced respectively cannot be lawfully extended; And Whereas the Commercial Distresses mentioned in the said Act, though considerably lightened by means thereof, have not been altogether removed, and it would tend greatly to the final Removal thereof if Power was given to the said Commissioners to extend the Time for Payment of such Loans and Advances, in certain Cases, in manner hereinafter mentioned:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for any Person or Persons to whom any such Loans or Advances shall have been made

1 G. 4. c. 39. § 22.

Commissioners may enlarge Time of Repay-

ment of Loans under the recited Act, on Application of the Parties, and may take old Securities, or require new, as they think necessary.

made under the said recited Act, his, her or their Heirs, Executors and Administrators and his, her or their Surety or Sureties, and who respectively shall be desirous that the Time so specified in any of the Securities given under the said recited Act, for the Repayment of any Loan, or any Part of such Loan, should be enlarged or extended in Manner hereinafter mentioned, to make Application to the Commissioners for the Execution of the said recited Act, for any Enlargement or Extension of the Time so limited for such Repayment, not exceeding the Times hereinafter specified; and the said Commissioners are hereby authorized to enlarge and extend the Time for the Repayment of any such Loan, or any Part thereof, in the Proportions and for the Times hereinafter specified, either upon the Obligation or Obligations, Security or Securities, Surety or Sureties, heretofore accepted and made liable for Repayment of any such Loan, or any Interest thereon, without any other or new Obligation, Deed or other Security or Agreement whatsoever, other than the Consent of the Sureties in manner hereinafter mentioned, or upon such other and new Security or Securities, or other and new Surety or Sureties, either for the whole of any such Loan, or for any Part thereof remaining due, or for any separate and distinct Part or Parts of any such Loan, or of the Part thereof remaining due, upon new and separate and distinct Security or Securities, either with the former Sureties or separate and new Sureties for each separate and distinct Part of any such Loan, in lieu of any former Security or Securities, or Surety or Sureties, as to them the said Commissioners shall seem proper and necessary; and it shall and may be lawful for the said Commissioners, and they are hereby authorized, to require any new Security or Securities, or Surety or Sureties, whenever they shall think the same necessary, and to cancel and annul any former Obligation or Obligations, or Security or Securities, and to separate and divide any such Loan or Loans, or any Part thereof, remaining due, and to grant such Enlargement and Extension of Time for each Part separately of any Loan, or Part thereof, and to require and take separate and distinct Securities for any such divided Part of such Loan; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, if they shall think necessary so to do, to require the Appearance of any Party or Parties in any such Loan, and to proceed to examine into and determine the Sufficiency of any such old or new Security or Securities, or Surety or Sureties, in like manner in every respect as the said Commissioners are empowered by the said recited Act to do with respect to any Security or Securities, or Surety or Sureties, to be proposed and given previous to the Advance or Issue of any Sum under the said recited Act.

and may require the Appearance of Parties, &c.

Sureties for Repayment of Loans to give their Consent to the Extension of Time, according to the Form in Schedule (A.)

II. And be it further enacted, That the Consent of all and every such Sureties or Surety, who shall be willing to remain Sureties or Surety for the Repayment of such Loan or Advance, or of any Part or Proportion thereof, if separated and divided under this Act as aforesaid, at such enlarged or extended Time as shall be granted under this Act, shall be signified by a Writing to be left with the Secretary of the said Commissioners for the Time being, subscribed with the Names or Name of such Sureties or Surety, according to the Form in the Schedule in this Act marked (A.), or

or to such or the like Effect, or in such other Form as the said Commissioners may from time to time direct or approve; and every such Consent so subscribed and delivered, whether so subscribed before or after the passing of this Act, shall be binding upon the respective Sureties or Surety so signifying the same, their, his or her Heirs, Executors or Administrators, in like manner as such respective Sureties or Surety were or was by the original Bonds or Bond entered into by them or him bound for the Repayment of such Loan or Advance, at the Times thereby limited for the Repayment thereof.

Commissioners to appoint a Person to receive Applications in Writing, for Extension of Time.

III. And be it further enacted, That within One Calendar Month after this Act shall have received the Royal Assent, the said Commissioners, or any Three or more of them, shall meet to receive or to appoint a proper Person or Persons to receive all such Applications in Writing as shall be made to them for such Enlargement or Extension of the Times for the Repayment of the Amount of any such Loan; and shall also fix proper and convenient Days for the purpose of taking into consideration all such Applications, and shall meet together for that purpose from time to time, and shall proceed to take into consideration all such Applications as shall specify the Times to which such Payments are required to be extended, not exceeding the Limits or Proportions hereinafter mentioned.

If Parties be not prepared with new Securities or Sureties, the Commissioners may grant Three Months longer, according to the Form in Schedule (B.)

IV. And be it further enacted, That in case any Persons or Person making such Application to the said Commissioners, shall be required by the said Commissioners to give any new Security or Securities, or to produce any new or other Surety or Sureties, and shall not previous to or upon the said Eleventh Day of *July* One thousand eight hundred and twenty two, be prepared to render such sufficient Security or Securities, or Surety or Sureties, as shall by the said Commissioners be deemed requisite; or in case such Person or Persons shall prove to the Satisfaction of such Commissioners, that by reason of the Distance at which any Sureties or Surety are then residing, the Consent of such Sureties or Surety under this Act cannot be procured before the said Eleventh Day of *July* One thousand eight hundred and twenty two, it shall be lawful for the said Commissioners, by writing under the Hands of any Three or more of them, to grant to such Persons or Person such further Time for the procuring and tendering such Security or Securities, or procuring the Consent of any such Surety or Sureties, as the said Commissioners in their Discretion shall think fit to allow, not exceeding the Period of Three Calendar Months from the time of granting such further Time as aforesaid; and every Grant of such further Time as aforesaid shall be in the Form in the Schedule to this Act annexed marked (B.) or to such or the like Effect, or in such other Form as the said Commissioners may from time to time direct or approve; and in the meantime and until the Expiration of the Time so allowed by the said Commissioners for the Purpose aforesaid, such Persons respectively shall not be deemed or taken to have made default in Payment of such Loan or any Part thereof, under the said recited Act, nor shall any Process, Suit or other Proceeding be issued, commenced or had, nor any Warrant for the same be granted against the said Parties respectively or their Sureties or Surety, their Heirs, Executors

No Suit, &c. to be commenced in the mean time.

ecutors or Administrators, or upon or in respect of any Security or Securities made, assigned or deposited for the Purposes in the said Act mentioned or otherwise, for the Purpose of recovering or compelling Payment of the said Loan or any Part thereof: Provided always, that in all Cases of Application for Time to give new Surety or Sureties, or new Security or Securities, the original Sureties shall consent to such Extension of Time, and shall in the meantime remain liable under the existing Security.

Proviso.

Extended Loans to be repaid by Instalments, within the Periods hereinmentioned.

V. And be it further enacted, That from and after the signing of such Consent by such Sureties, and the Deposit of such new or further Security or Securities, Surety or Sureties (where any such shall be required by the said Commissioners), it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to grant and allow in manner hereinafter mentioned, to such Parties respectively, such Enlargement or Extension of the Times of Repayment of such Loan, as they the said Commissioners shall in their Discretion think proper, Regard being had by the said Commissioners, as well to the Merits of the Case of the Party so applying, as to the Sufficiency of the Security or Securities, Surety or Sureties, so tendered by them, so that the said Loan be made payable by Yearly Instalments, in Proportions not less and at Periods not longer than hereinafter particularly mentioned; (that is to say,) that an Instalment of not less than One Eighth Part of every such Loan, or of the Sum remaining due thereon at the Time of such Extension, with Interest on the whole Amount of such Loan or Sum so remaining due, at the Rate of Six Pounds *per Centum per Annum*, from the said Eleventh Day of *July* One thousand eight hundred and twenty two, up to and until the Day of Payment of such Instalment, shall be made payable on or before the Eleventh Day of *July* One thousand eight hundred and twenty three; One other Instalment of not less than One Eighth Part of every such Loan or Sum, with the like Interest on the Sum remaining due, from the said Eleventh Day of *July* One thousand eight hundred and twenty three, up to and until the Day of Payment of such Instalment, shall be made payable on or before the Eleventh Day of *July* One thousand eight hundred and twenty four; One other Instalment of not less than One eighth Part of every such Loan or Sum, with like Interest on the Sum remaining due, from the said Eleventh Day of *July* One thousand eight hundred and twenty four, up to and until the Day of Payment of such Instalment, shall be made payable on or before the Eleventh Day of *July* One thousand eight hundred and twenty five; One other Instalment of not less than One Eighth Part of every such Loan or Sum, with like Interest on the Sum remaining due, from the said Eleventh Day of *July* One thousand eight hundred and twenty five, up to and until the Day of Payment of such Instalment, shall be made payable on or before the Eleventh Day of *July* One thousand eight hundred and twenty six; One other Instalment of not less than One Eighth Part of every such Loan or Sum, with the like Interest on the Sum remaining due, from the said Eleventh Day of *July* One thousand eight hundred and twenty six, up to and until the Day of Payment of such Instalment, shall be made payable on or before the Eleventh Day of *July* One thousand eight hundred and twenty seven; One other Instalment of

of not less than One Eighth Part of every such Loan or Sum, with the like Interest on the Sum remaining due, from the said Eleventh Day of *July* One thousand eight hundred and twenty seven, up to and until the Day of Payment of such Instalment, shall be payable on or before the Eleventh Day of *July* One thousand eight hundred and twenty eight; One other Instalment of not less than One Eighth Part of every such Loan or Sum, with the like Interest on the Sum remaining due, from the said Eleventh Day of *July* One thousand eight hundred and twenty eight, up to and until the Day of Payment of such Instalment, shall be payable on or before the Eleventh Day of *July* One thousand eight hundred and twenty nine; and the last remaining Instalment of every such Loan or Sum, with the like Interest on the Sum remaining due, from the said Eleventh Day of *July* One thousand eight hundred and twenty nine, up to and until the Day of Payment of such last Instalment, shall be made payable on or before the Eleventh Day of *July* One thousand eight hundred and thirty.

Extension of Time not to be deemed a Default in Payment.

VI. And be it further enacted, That the several Parties to whom respectively the said Commissioners shall allow such Enlargement or Extension of the Time of Payment of any such Loan, shall not be deemed or taken to have made Default in Payment of any such Loan, at the Time required by the Securities or Security taken under the Provisions of the said recited Act, nor shall any Process, Suit or other Proceeding, be issued, commenced or had, nor shall any Warrant for the same be granted against the said Parties respectively, or their Sureties or Surety, their or any of their Heirs, Executors or Administrators, or upon or in respect of any Securities or Security made, assigned or deposited for the Purposes in the said Act mentioned, or otherwise, in order to recover or compel the Repayment of any such Loan, or any Part thereof, until Default shall be made in the Payment of any of the several Instalments aforesaid, at the respective Days and Times when the same shall be made payable pursuant to this Act in manner aforesaid.

No Proceedings until Default.

Commissioners to certify Allowance of Time according to Form in Schedule (C.)

VII. And be it further enacted, That in all Cases in which the said Commissioners shall think fit to grant or allow any such Enlargement or Extension of Time for the Repayment of any such Loan, they the said Commissioners shall certify such their Allowance, by a Writing under the Hands of any Three or more of them, according to the Form in the Schedule to this Act annexed marked (C.), or to such or the like Effect, or in such other Form as the said Commissioners may from time to time direct or approve; and such Certificate shall be delivered to the respective Parties, to whom such Extension of Time shall be granted as aforesaid, and a Copy or Minute of every such Certificate shall be entered in a Book or Books to be kept by the said Commissioners for that Purpose.

Interest to be paid on such Loans to 11th July, or up to the Time of granting Certificate of Extension.

VIII. Provided always, and be it enacted, That all and every Persons or Person to whom such Enlargement or Extension of Time for the Payment of any such Loan, or any Parts thereof, shall be granted or allowed as aforesaid, shall, previous to the receiving of any such Certificate as aforesaid, pay or cause to be paid to the said Commissioners, or such Person or Persons as they or any Three or more of them, shall appoint to receive the same,

all Interest due and payable on every such Loan up to the said Eleventh Day of *July* One thousand eight hundred and twenty two, or up to the Time of the granting any such Certificate for the Extension of Time as aforesaid.

Loan may be repaid, in the whole or in part, as herein mentioned.

IX. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Party or Parties, or his or their Surety or Sureties, from making Payment of the Whole or any Part of the Principal and Interest of any such Loan, previous to the Time when the same, or any Instalment thereof, shall become due and payable under the Provisions of the said recited Act and this Act; any thing in the said recited Act or this Act to the contrary thereof in any wise notwithstanding.

Bonds to the King not liable to Stamp Duty.

X. And be it further enacted, That no Bond to His Majesty, nor any Security or Securities, nor any Assignment of any Security or Securities, nor any Mortgage, Surrender, Assignment or other Instrument or Assurance taken or to be taken under the said recited Act or this Act, or heretofore executed, or hereafter to be executed, for or towards the completing of any Security to be given under or in pursuance thereof respectively, nor any Certificate, Examination, Affidavit, Deposition or Receipt, nor any Consent by any Surety or Sureties to any Extension of Time which may be granted by the said Commissioners for the Payment of any Loan under the Authority of the said recited Act or this Act, nor any Receipt or written Document whatsoever used for the Purpose of carrying the Provisions of the said recited Act and this Act into Execution, shall be liable to any Stamp Duty whatsoever; any thing in any Act or Acts, for the improving or regulating Stamp Duties in *Great Britain* or *Ireland*, to the contrary in any wise notwithstanding.

Change of Security may be allowed by Commissioners on Application for that Purpose.

XI. Provided also, and be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to accept and receive from any Person or Persons whomsoever, to whom any Loan or Loans have been or shall be advanced under the Authority of the said recited Act or this Act, and also of and from his, her or their Surety or Sureties, such other Security or Securities, Real or Personal, for the Whole or any Part of any Loan or Loans advanced, or which shall be advanced under the said recited Act or this Act, and in lieu and instead of any existing Security or Securities, Real or Personal, which may have been taken for such Loan or Loans, or any Part or Parts thereof, as they the said Commissioners shall in their Discretion think fit, having

Regard being had to Circumstances.

regard to the particular Circumstances of the Case in which Application for such Change of Security shall be made, and subject to such Terms, Conditions and Regulations as the said Commissioners shall from time to time direct and appoint, and so as in no Case to extend the Period for the Repayment of such Loan or Loans beyond the several Periods to which the same may be extended under the Provisions of the said recited Act and this Act; any thing in the said Act contained to the contrary thereof in any wise notwithstanding.

Act may be altered this Session.

XII. And be it further enacted, That this Act, or any of the Provisions thereof, may be amended, altered or repealed, by any Act or Acts to be passed in this present Session of Parliament.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORM of Consent of Sureties on Extension of Time for Payment of Loans.

WE, whose Names are hereunto subscribed, do hereby severally and respectively consent and agree, that the Bond or Bonds executed by us to His Majesty, under an Act passed in the First Year of His present Majesty's Reign, intituled *An Act for the Assistance of Trade and Manufactures in* Ireland, *by authorizing the Advance of certain Sums for the Support of Commercial Credit there*, as Sureties for *A. B.* for the Repayment of a Loan lent and advanced by the Commissioners for the Execution of the said Act to the said *A. B.*, shall remain and continue as a Security for Repayment of the Sums annexed to our Names respectively therein, on the said Loan so advanced, with Interest thereon at the Rate of Six Pounds *per Centum per Annum*, at the extended Periods allowed to the said *A. B.* by the said Commissioners, under the Provisions of an Act made in the Third Year of His present Majesty's Reign, for amending the said Act passed in the said First Year: And we do further consent and agree, that the said Commissioners shall be at Liberty to grant to the said *A. B.* the said Extension of Time for Payment, either upon the Security already received for the same, or upon such other Security as the said Commissioners in their Discretion shall think fit to accept, either for the whole of the Money remaining due on the said Loan, or upon such Loan separated and divided into such Parts as shall be allowed by the said Commissioners. Dated the
Day of

SCHEDULE (B.)

FORM of Grant of Time for providing New Sureties, &c.

WE, Three of the Commissioners for the Execution of an Act made in the First Year of the Reign of His present Majesty, for the Assistance of Trade and Manufactures in *Ireland*, by authorizing the Advance of certain Sums for the Support of Commercial Credit there, do hereby grant to until the
and no longer, for procuring and tendering to us good and sufficient new Security or Securities with Sureties, [*or* the Consent of
Sureties of the said to remain answerable as such Sureties,] under the said Act, for the Repayment of the Sum of with Interest due on a Loan
made to the said under the said Act;
and if the said shall not produce the
same on or before the said Day of
the Securities already given and entered into by the said
and his Sureties, will be forthwith put in Force for recovering the Money due on the said Loan. Dated the
Day of

SCHEDULE (C.)

FORM of Certificate of Enlargement of Time for Payment of Loan.

WHEREAS the Sum of was advanced to on certain Conditions, pursuant to an Act passed in the First Year of the Reign of His present Majesty, for the Assistance of Trade and Manufactures in *Ireland*, by authorizing the advance of certain Sums for the Support of Commercial Credit there: And whereas the said hath given Security pursuant to the Directions of the said Act of Parliament for the Repayment of the said Loan, payable as in such Security or Securities is mentioned: And whereas the Sum of still remains unpaid on the said Loan: And whereas under and by Virtue of an Act made in the Third Year of the Reign of His present Majesty, for amending the said Act of the First Year of His said Majesty, an Application has been made to the Commissioners for the Execution of the said first mentioned Act, for an Extension of the Time for Repaying such Loan: Now, we whose Names are hereunto subscribed, being of the said Commissioners for the Execution of the said Act, in pursuance of the Directions contained in the said Act of the Third Year of King *George* the Fourth, do hereby certify that we have granted and allowed to the said Time for Repayment of the Sum of in manner following; (that is to say,) [*recite the Times and Sums.*]

[*This Act amended. See Cap.* 118. *post.*]

CAP. XXIII.

An Act to facilitate Summary Proceedings before Justices of the Peace and others. [15th *May* 1822.]

'WHEREAS great Inconveniences often arise in summary 'Proceedings before Justices of the Peace, Deputy Lieu-'tenants, and others, from a Want of a General Form of Convic-'tion:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in all Cases wherein a Conviction shall have taken place, and no particular Form for the Record thereof hath been directed, the Justice or Justices, Deputy Lieutenant or Deputy Lieutenants, or other Person or Persons duly authorized to proceed summarily therein, and before whom the Offender or Offenders shall have been convicted, shall and may cause the Record of such Conviction to be drawn up in the Manner and Form following, or in any Words to the same effect, *mutatis mutandis*; (that is to say),

General Form of Conviction, where no particular Form provided.

'County [*or, as the case may be*] of } BE it remembered, That on the Day of in the Year of our Lord at in the County of *A. B.* of in the County of Labourer, [*or, as 'the*

'*the Case may be*] personally came before me, (*or*, before us, &c.) 'C. D. One [*or* more, *as the Case may be*] of His Majesty's 'Justices of the Peace for the said and 'informed me, (*or* us, &c.) that *E. F.* of in 'the County of on the Day 'of at in the said 'did [*here set forth the Fact for which the Information is* 'laid] contrary to the Form of the Statute in such Case made and 'provided, whereupon the said *E. F.* after being duly summoned 'to answer the said Charge, appeared before me, (*or* us, &c.) on 'the Day of at in 'the said and having heard the Charge contained 'in the said Information, declared he was not guilty of the said 'Offence, [*or, as the Case may happen to be,*] did not appear be-'fore me, (*or* us, &c.) pursuant to the said Summons, [*or*, did 'neglect and refuse to make any Defence against the said Charge]: 'whereupon I [*or* we, &c. *or*, nevertheless I, *or* we, &c.] the said 'Justice, *or* Justices, did proceed to examine into the Truth of the 'Charge contained in the said Information, and on the 'Day of aforesaid, at the Parish of 'aforesaid, One credible Witness, to wit, 'A. W. of in the County of 'upon his Oath deposeth and saith, [*if E. F. be present, say*, in 'the Presence of the said *E. F.*] that, within 'Months [*or, as the Case may be*] next before the said Information 'was made before me (*or* us, &c.) the said Justice by the said 'A. B., to wit, on the Day of in the 'Year the said *E. F.* at in the said 'County of [*here state the Evidence, and as nearly* 'as possible in the Words used by the Witness, and if more than 'One Witness be examined, state the Evidence given by each] [*or*, 'if the Defendant confess, instead of stating the Evidence, say] and 'the said *E. F.* acknowledged and voluntarily confessed the same 'to be true: therefore it manifestly appearing to me (*or* us, &c.) 'that he the said *E. F.* is guilty of the Offence charged upon him 'in the said Information, I (*or* we, &c.) do hereby convict him of 'the Offence aforesaid, and do declare and adjudge, that he the 'said *E. F.* hath forfeited the Sum of 'of lawful money of *Great Britain*, for the Offence aforesaid, to 'be distributed [*or* paid, *as the Case may be*] according to the 'Form of the Statute in that Case made and provided. Given 'under my Hand (*or*, our Hands, &c.) and Seal, the 'Day of in the Year of our Lord

One Justice, &c. may receive original Information, &c. where Two or more Justices, &c. empowered to hear and determine.

II. And be it further enacted, That in all Cases where Two or more Justices, Deputy Lieutenants or others, are authorized and required to hear and determine any Complaint, One Justice, Deputy Lieutenant or such other Person shall be competent to receive the original Information or Complaint, and to issue the Summons or Warrant requiring the Parties to appear before Two or more Justices of the Peace, Deputy Lieutenants or others, as the Case may require; and after Examination upon Oath into the Merits of the said Complaint, and the Adjudication thereupon, by any such Two Justices, Deputy Lieutenants or other Persons, being made, all and every the subsequent Proceedings to enforce Obedience

thereto or otherwise, whether respecting the Penalty, Fine, Imprisonment, Costs or other Matter or Thing now enacted or to be hereafter enacted, may be enforced by either of the said Justices, Deputy Lieutenants or other Persons, or any other Justice of the Peace or Deputy Lieutenant for the same County, Riding or Place, in such and the like manner as if done by the same Two Justices, Deputy Lieutenants or other Persons, who so heard and adjudged the said Complaint; and where the original Complaint or Information shall be made to any Justice or Justices of the Peace, Deputy Lieutenant or Deputy Lieutenants, or other Person or Persons different from him or them before whom the same shall be heard and determined, the Form of Conviction shall be made conformable and according to the Fact.

Where Merits have been tried, Convictions not to be set aside for Defect of Form.

III. And be it further enacted, That in all Cases where it appears by the Conviction that the Defendant has appeared and pleaded, and the Merits have been tried, and that the Defendant has not appealed against the said Conviction where an Appeal is allowed, or if appealed against, the Conviction has been affirmed, such Conviction shall not afterwards be set aside or vacated in consequence of any Defect of Form whatever, but the Construction shall be such a fair and liberal Construction as will be agreeable to the Justice of the Case.

Proviso for Scotland.

IV. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to that Part of the United Kingdom called *Scotland*.

CAP. XXIV.

An Act for extending the Laws against Receivers of Stolen Goods to Receivers of Stolen Bonds, Bank Notes, and other Securities for Money. [15th *May* 1822.]

2 G. 2. c. 25. § 3.

'WHEREAS by an Act made in the Second Year of the 'Reign of his Majesty King *George* the Second, intituled '*An Act for the more effectual preventing and further Punishment* '*of Forgery, Perjury and Subornation of Perjury, and to make* '*it Felony to steal Bonds, Notes or other Securities for Payment* '*of Money*, it was enacted, amongst other Things, that if any 'Person or Persons should steal or take by Robbery any Exche-'quer Orders or Tallies, or other Orders, entitling any other Per-'son or Persons to any Annuity or Share in any Parliamentary 'Fund, or any Exchequer Bills, Bank Notes, *South Sea* Bonds, '*East India* Bonds, Dividend Warrants of the Bank, *South Sea* 'Company, *East India* Company, or any other Company, Society 'or Corporation, Bills of Exchange, Navy Bills or Debentures, 'Goldsmiths' Notes for Payment of Money or other Bonds or 'Warrants, Bills or Promissory Notes for the Payment of any 'Money, being the Property of any other Person or Persons, or of 'any Corporation, notwithstanding any of the said Particulars were 'termed in Law a *Chose in Action*, it should be deemed and con-'strued to be Felony with or without the Benefit of Clergy, ac-'cording to the Nature of the Case, as specified and provided for 'by the said Act: And Whereas no Provision was made by the 'said Act for the prosecuting and Punishment of Persons receiving 'or buying any such Orders, Tallies, Bills, Bonds, Warrants, De-

'bentures,

'bentures, or Notes, knowing the same to have been stolen: And 'Whereas it is expedient that such Persons should be liable to be 'prosecuted and punished in like Manner as Persons receiving or 'buying stolen Goods or Chattels, knowing the same to have been 'stolen, are liable to be prosecuted and punished:' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all Persons who shall receive or buy any Exchequer Order or Tally, or other Order, entitling any other Person or Persons to any Annuity or Share in any Parliamentary Fund, or any Exchequer Bill, Bank Note, *South Sea* Bond, *East India* Bond, Dividend Warrant of the Bank of *England*, *South Sea* Company, *East India* Company or any other Company, Society or Corporation, Bill of Exchange, Navy Bill or Debenture, Goldsmith's Note for the Payment of Money, or other Bond, Order or Warrant, Bill or Promissory Note for Payment of Money, knowing the same to have been stolen, shall be liable to be prosecuted and punished respectively for Felony or Misdemeanor, as the Case may be, in like manner as Persons receiving or buying Stolen Goods and Chattels, knowing the same to have been stolen, are by the Laws now in force liable to be prosecuted and punished.

Persons receiving or buying Security for Payment of Money, knowing same to have been stolen, prosecuted as receiving Stolen Goods.

II. And be it further enacted, That all Powers, Provisions and Enactments, contained in the several Acts now in force, relative to the searching for and discovery of Stolen Goods and Chattels, and to the apprehending, prosecuting and punishing of Persons receiving or buying Stolen Goods or Chattels, knowing the same to have been stolen, shall extend and be deemed and construed to extend, to the searching for and discovery of any such Stolen Order, Tally, Bill, Bond, Warrant, Debenture or Note; and to the apprehending, prosecuting and punishing of Persons receiving or buying any such Stolen Order, Tally, Bill, Bond, Warrant, Debenture or Note, knowing the same to have been stolen, in the same manner as if the said Powers, Provisions and Enactments were herein severally recited and re-enacted.

Provisions of 2 G. 2. c. 25. extended to this Act.

III. And be it further enacted, That in all Cases where the Offence of any Person receiving or buying Stolen Goods or Chattels, or any such Stolen Order, Tally, Bill, Bond Warrant, Debenture or Note, knowing the same to have been stolen, shall be deemed and construed to be Felony, such Offender shall and may be tried and convicted of such Felony, as well before as after the Trial of the principal Felon, and whether the said principal Felon shall have been apprehended, or shall be amenable to Justice or not.

Offenders may be convicted whether before or after Conviction of principal Offender.

CAP. XXV.

An Act to continue, until the Twenty fifth Day of *January* One thousand eight hundred and twenty six, an Act of the Twenty third Year of His late Majesty, for the more effectual Encouragement of the Manufacture of Flax and Cotton in *Great Britain*; and to amend the Law in respect of the Allowances of Excise Duties on Starch and Soap used in certain Manufactures. [15th *May* 1822.]

'WHEREAS the Law hereinafter mentioned has by Experience been found useful and beneficial, and it is expedient 'that the same should be further continued;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Twenty third Year of the Reign of His late Majesty King *George* the Third, for the more effectual Encouragement of the Manufacturers of Flax and Cotton in *Great Britain*, which was to continue in force for Two Years from the First Day of *January* One thousand seven hundred and eighty four, and from thence to the end of the then next Session of Parliament; and which said Act was by several subsequent Acts revived, amended and further continued until the Twenty fifth Day of *July* One thousand eight hundred and twenty two, shall be and the same is hereby further continued, as so amended, from the said Twenty fifth Day of *July* One thousand eight hundred and twenty two, for the Term hereinafter mentioned, so far as the same relates to Starch, or any Allowance or Allowances of the Duties thereon, and also for the Purposes hereinafter mentioned in respect of Soap and the Allowances payable by Law in respect thereof.

23 G. 3. c. 77. so far as relates to Starch and Soap, further continued.

'II. And Whereas it is expedient that all Allowances payable by 'Law for or in respect of Soap consumed in *Great Britain* in the 'making of any Cloths, Serges, Kerseys, Baize, Stockings or other 'Manufactures of Sheep or Lambs' Wool only, or Manufactures 'whereof the greatest Part of the Value of the Materials shall be 'Wool, or in the finishing of the said Manufactures, or preparing 'the Wool for the same, or in the whitening of new Linen in the 'Piece for Sale, or in preparing and finishing any Manufactures 'from Flax or Cotton for Sale, shall be made, allowed and claimed 'in the Ways and Methods specified and directed by the said re-'cited Act (except so far as the same have been amended or are 'hereby altered) in respect of Starch:' Be it therefore enacted, That all such Allowances respectively shall from and after the Twenty fifth Day of *July* One thousand eight hundred and twenty two, be made and granted, allowed and claimed, by the Ways and Methods directed by the said recited Act in respect of Starch; and that all such Allowances, and the Person and Persons claiming any such Allowances, or concerned or acting therein, or in any manner relating thereto, shall be subject and liable to all the Clauses, Provisions, Regulations, Directions, Fines, Pains, Penalties and Forfeitures contained in the said recited Act, as fully and effectually

Allowances for such Articles, how to be made.

tually as if the same and every of them were herein repeated and continued; any thing in any other Act or Acts of Parliament to the contrary notwithstanding.

No Allowance of Duties unless Notice given of Residence, and a Book kept and produced and Entry made of the Starch and Soap received, subject to the Inspection of Officer:

III. And be it further enacted, That no Person or Persons shall be entitled to any Allowance of any of the Duties on Starch or Soap used or employed after the Twenty fifth Day of *July* One thousand eight hundred and twenty two, as specified in the said recited Act, or payable by Law as aforesaid, unless such Person or Persons shall have, Ten Days at the least before he or they shall begin to use or employ any such Starch or Soap, given Notice in Writing at the next Excise Office of his Christian and Surname, and Place of Abode or Manufacture at which he intends to keep the Book hereinafter required for the Inspection of the Officers of Excise; or unless he shall from time to time, and as often as he shall receive any Starch or Soap to be employed in his Manufactory, enter the same in a Book to be kept by him for that Purpose, specifying in each such Entry the Date of such Receipt, the Quantity of Starch, and Soap respectively received, the Place and Places from which the same was received, and the Person from whom the same was had and purchased, and shall, upon the next Attendance of the Officer of Excise for the Inspection of such Book, produce to him the Bill and Bills of Parcels for the Starch or Soap entered therein, who shall thereupon indorse the same with his Name and the Date of such Inspection; or unless such Book so to be kept shall at all Times when demanded by any Officer of Excise be produced to such Officer, to be by him perused and inspected; or unless at the Time that the Manufacturer shall apply for the Allowances of the Duties payable by Law on the Consumption of Soap and Starch employed in his Manufactures, such Book, together with such Bill and Bills of Parcels as aforesaid, be delivered to the Collector of Excise, on the Oath of the Person who kept the same and made the Entries in such Book, of the Truth of such Entries, Bill and Bills of Parcels, and the actual Receipt of the Goods therein mentioned by such Manufacturer (and which Oath the respective Collectors and Supervisors of Excise are hereby authorized to administer), and such Book be left to remain with such Collector; and if any Manufacturer or other Person or Persons shall not keep such Book as aforesaid, and make such Entries as aforesaid, and produce the same to the Officer of Excise demanding the same, to be by him perused and inspected, and shew such Bill and Bills of Parcels to such Officer as aforesaid, and permit him to write thereon his Name with the Date of such Inspection as aforesaid, and deliver such Book and produce such Bills of Parcels to the Collectors at the time aforesaid, to be examined and compared on Oath as aforesaid, or shall make any untrue Entry in such Books, or produce as aforesaid any untrue Bill or Bills of Parcels, or any Bill or Bills of Parcels where the Goods therein mentioned were not received by such Manufacturer, every such Person or Persons shall forfeit and lose all such Allowances, and also the Sum of Fifty Pounds, to be recovered and applied as directed by the said recited Act with respect to the Penalties therein mentioned: Provided always, that no such Allowances of the Duties on Starch or Soap shall be paid to or claimed by any such Manufacturer being a Dealer in Soap or Starch.

or unless at Time of Application, Book together with Bills of Parcels be delivered on Oath to Officer.

Not keeping such Book.

Penalty 50*l.* and Loss of Allowances.

Dealer not entitled to Allowances.

IV. And

Continuance of Act.

IV. And be it further enacted, That this Act shall continue in force until the Fifth Day of *July* One thousand eight hundred and twenty six.

CAP. XXVI.

An Act to reduce the Rate of Interest payable on the Sum of One million two hundred and fifty thousand Pounds, advanced by the Governor and Company of the Bank of *Ireland*, for the Public Service, under an Act made in the Forty eighth Year of His late Majesty. [15th *May* 1822.]

'WHEREAS by an Act made in the Forty eighth Year of 'the Reign of His late Majesty King *George* the Third,
48 G. 3. c. 103. § 8. 'intituled *An Act for further extending the Provisions of several 'Acts for establishing the Bank of* Ireland, *and for empowering the 'Governor and Company of the said Bank to advance the Sum of 'One million two hundred and fifty thousand Pounds*, Irish *Cur-'rency, towards the Service of the Year One thousand eight hundred 'and eight*, it was, amongst other things, enacted, that it should 'be lawful for the Governor and Company of the said Bank of *Ire-'land* to advance and lend to His Majesty, at the Receipt of the 'Exchequer of *Ireland*, the Sum of One million two hundred and 'fifty thousand Pounds, in Manner and at the Days and Times in
§ 9. 'the said Act mentioned; and it was also enacted, that from and 'after the Fourth Day of *January* One thousand eight hundred and 'nine, there should be paid and payable at the Receipt of His Ma-'jesty's Exchequer to the said Governor and Company, out of the 'Consolidated Fund, an Interest or Annuity of Sixty two thousand 'five hundred Pounds *Irish* Currency, being a Sum equal to the 'Amount of the whole Interest of the said Sum of One million two 'hundred and fifty thousand Pounds, at the Rate of Five Pounds '*per Centum per Annum*, by Two equal Half yearly Payments;
§ 12. 'and it was also provided and enacted, that it should be lawful 'for the Lord High Treasurer or Commissioners of the Treasury 'to repay the said Sum of One million two hundred and fifty 'thousand Pounds to the said Governor and Company upon giving 'Six Months' Notice, and in such manner as in the said Act is spe-'cified, and that upon such Repayment the said Annuity of Sixty 'two thousand five hundred Pounds should cease and determine: 'And Whereas the said Governor and Company have agreed that 'in lieu of the said Annuity of Sixty two thousand five hundred 'Pounds payable to the said Governor and Company under the 'said recited Act, there shall be paid to the said Governor and 'Company an Annuity of Fifty thousand Pounds *Irish* Currency, 'and that the said Sum of One million two hundred and fifty thou-'sand Pounds shall be repaid in manner herein after mentioned; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

50,000l. to be paid by Half yearly Payments to the Bank of Ire-

by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and twenty two, there shall be paid and payable at the Receipt of His Majesty's Exchequer in *Dublin*, according to the Course of the said Exchequer, to the Gover-

vernor and Company of the Bank of *Ireland*, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, an Interest or Annuity of Fifty thousand Pounds *Irish* Currency, being a Sum equal to the Amount of the whole Interest of the said Sum of One million two hundred and fifty thousand Pounds at the Rate of Four Pounds *per Centum per Annum*, and which Annuity or Interest shall be paid by Two equal Half yearly Payments to the said Governor and Company of the said Bank, without any Defalcation or Abatement, on the Fifth Day of *January* and the Fifth Day of *July* in each Year, the first Payment of the said Annuity or Interest to be made on the Fifth Day of *January* One thousand eight hundred and twenty three; and the said Annuity of Fifty thousand Pounds shall be in lieu of the Annuity of Sixty two thousand five hundred Pounds, made payable by the said recited Act.

land for Interest after the the Rate of 4l. per Cent. on 1,250,000l. advanced by the Bank.

II. And be it further enacted, That the Repayment of the said Sum of One million two hundred and fifty thousand Pounds, and the Payment of the said Annuity of Fifty thousand Pounds as Interest thereof, at the Rate of Four Pounds *per Centum per Annum* as aforesaid, shall be and the same is hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, unless otherwise provided for by Parliament; and that the said Sum of One million two hundred and fifty thousand Pounds, with all Arrears of the said Annuity of Fifty thousand Pounds, shall be repaid to the said Governor and Company of the Bank of *Ireland* on the First Day of *January* One thousand eight hundred and thirty eight, in like manner as is provided by an Act made in the last Session of Parliament, for establishing an Agreement with the Governor and Company of the said Bank for advancing the Sum of Five hundred thousand Pounds *Irish* Currency, with respect to the Repayment of the Principal and Interest of the said last-mentioned Sum.

Principal and Interest to be a Charge on the Consolidated Fund of United Kingdom.

III. And be it further enacted, That so much and such Parts of the said herein before recited Acts of the Forty eighth Year of His late Majesty's Reign shall be repealed as authorizes the Repayment of the said Sum of One million two hundred and fifty thousand Pounds at any time before the First Day of *January* One thousand eight hundred and thirty seven, and as directs the investing the same in Government Securities for the Use of the said Governor and Company, and the Application of the Interest, Dividends and Produce of such Securities; and so much and such Parts of the said recited Act are hereby repealed accordingly.

48 G. 3. c. 103. § 12. 13. repealed as herein mentioned.

CAP. XXVII.

An Act to amend and continue, until the Fifth Day of *July* One thousand eight hundred and twenty six, so much of an Act made in the Fifty fifth Year of His late Majesty, as relates to additional Duties of Excise, in *Great Britain*, on Excise Licences. [15th *May* 1822.]

'WHEREAS an Act was passed in the Fifty fifth Year of the Reign of His late Majesty King *George* the Third, for granting to His Majesty until the Fifth Day of *April* One thousand

55 G. 3. c. 30. as amended and continued

by 59 G. 3. c. 32. further continued.

'thousand eight hundred and nineteen, additional Duties of Excise in *Great Britain* on Sweets, Tobacco, Snuff and Excise Licences; which was amended and continued by an Act made in the Fifty ninth Year of the Reign of His said late Majesty, until the Fifth Day of *July* One thousand eight hundred and twenty two: And Whereas it is expedient further to continue the said first recited Act as so amended, so far as relates to the several annual additional Sums for and upon Licences to be taken out by every Auctioneer; Common Brewer; Maker of Wax or Spermaceti Candles; Dealer in or Seller thereof, not being a Maker; Chandler or Maker of Candles, other than Wax or Spermaceti Candles; Trader in or Vender or Seller of Coffee, Tea, Cocoa Nuts or Chocolate; Glass Maker; Tanner; Tawer; Dresser of Hides and Skins in Oil; Currier; Maker of Vellum or Parchment; Maltster; Maker of Metheglin or Mead; Maker of Paper or Pasteboard; Paper Stainer; Trader in and Vender or Seller of Gold or Silver Plate, and Pawnbroker and Refiner of Gold or Silver; Calico Printer, and Printer, Painter or Stainer of Silks, Linens, Cottons or Stuffs; Maker of Soap; Distiller or Maker of Low Wines or Spirits in *England*; Rectifier of Spirits in *England*; Dealer in Brandy or other Spirituous Liquors, not being a Retailer in *Great Britain*, or a Wholesale Seller of or Dealer in plain Aqua Vitæ only in *Scotland*; Wholesale Seller of or Dealer in Aqua Vitæ only in *Scotland*, not being a licensed Distiller, Rectifier, Compounder or Retailer of Spirits, and not being a licensed Dealer in Brandy or other Spirituous Liquors; Starch Maker; Maker of Sweets or Made Wines other than Mead; Manufacturer of Tobacco or Snuff; Dealer in or Seller of Tobacco and Snuff; Maker of Vinegar; Retailer of Foreign Wine; and Wire-drawer respectively; as enumerated and described in the Schedule of the said Act:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, so far and so amended as aforesaid, shall, from and after the said Fifth Day of *April* One thousand eight hundred and twenty two, be and the same is hereby further continued for the Term herein after mentioned.

'II. And Whereas Doubts have arisen whether any of the Persons before mentioned, being a Person required by Law to make Entry at an Office of Excise of the Place in which he, she or they carries or carry on his, her or their Trade or Business, and to whom any such Licence as aforesaid is granted for that Purpose, is or are thereby authorised and empowered to make or manufacture, deal in, retail or sell any of the Commodities herein before mentioned, at more than One Place, and it is expedient to remove such Doubts;' Be it therefore declared and enacted, That no One Licence, which shall be granted by virtue of any Act or Acts of Parliament relating to His Majesty's Revenue of Excise, shall authorize or empower any Person or Persons, required by Law to make such Entry as aforesaid, to make or manufacture, deal in, retail or sell any Commodity mentioned in such Licence, at more than One Place, or in any House, Building or Premises other than the House, Building or Premises, or the contiguous or adjoining Houses,

No one Licence to authorise the Person to whom it is granted to carry on his Trade in more than one Place.

Houses, Buildings or Premises, situated at such Place, and held together for the same Purpose or Manufacture, and whereof he, she or they shall have made such lawful Entry, and wherein he, she or they shall make or manufacture, deal in, retail or sell such Commodity, at the time of the granting such Licence: Provided always, that when the Amount or Rate of any such Licence shall depend upon the Quantity of Goods made or manufactured by the Person or Persons to whom the same is to be granted, such Quantity shall be computed from only the respective Goods made or manufactured by such Person or Persons at the Place or Premises in respect of which such Licence is granted, and shall not include Goods made or manufactured by such Person or Persons at any other Place or Premises. [*This Section is repealed and other Provisions enacted, Cap.* 67. *post.*]

Proviso when Rate of Licence depends upon Quantity of Goods manufactured.

III. And be it further enacted, That this Act shall continue in force until the Fifth Day of *July* One thousand eight hundred and twenty six.

Continuance of Act.

IV. And be it further enacted, That this Act may be amended, altered or repealed by any Act to be passed in this Session of Parliament.

Act may be altered, &c. this Session.

CAP. XXVIII.

An Act to continue, so long as the Bounties now payable on *Irish* Linens when exported from *Ireland* shall continue, the Bounties on *British* and *Irish* Linen exported.

[15th *May* 1822.]

'WHEREAS by an Act passed in the Twenty ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for granting a Bounty upon certain Species of British and Irish Linens exported; and taking off the Duties on the Importation of Foreign Raw Linen Yarns made of Flax*, certain Bounties are given and paid for *British* and *Irish* Linens made of Hemp and Flax exported out of *Great Britain* to *Africa*, *America*, *Spain*, *Portugal*, *Gibraltar*, the Island of *Minorca* or the *East Indies*; which said Act was extended by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, and by subsequent Acts continued until the Fifth Day of *July* One thousand eight hundred and twenty two; And Whereas it is expedient further to continue the said Act so extended as aforesaid;' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Bounties so granted and extended shall be continued from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, so long as the Bounties now payable on *Irish* Linens when exported from *Ireland* shall continue.

29 G. 2. c. 15.

10 G. 3. c. 38.

Bounties under recited Acts continued.

CAP.

CAP. XXIX.

An Act to continue, until the Twenty fifth Day of *January* One thousand eight hundred and twenty three, and from thence to the End of the then next Session of Parliament, an Act made in the Fifty fourth Year of His late Majesty, for rendering the Payment of Creditors more equal and expeditious in *Scotland*. [15th *May* 1822.]

54 G. 3. c. 137.

'WHEREAS an Act was passed in the Fifty fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for rendering the Payment of Creditors more equal and expeditious in* Scotland; which Act was to continue for Seven Years from the Twenty fifth Day of *July* One thousand eight hundred and fourteen, and from thence to the End of the then next Session of Parliament: And Whereas it is expedient that the said Act should be continued for a further Term; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act of the Fifty fourth Year of the Reign of His late Majesty, for rendering the Payment of Creditors more equal and expeditious in *Scotland*, shall be and the same is hereby continued, from the expiration thereof, until the Twenty fifth Day of *January* One thousand eight hundred and twenty three, and from thence to the End of the then next Session of Parliament.

continued.

Act may be altered this Session.

II. And be it further enacted, That this Act and the said recited Act may be altered by any Act or Acts in the present Session of Parliament.

CAP. XXX.

An Act for reducing, during the Continuance of the present Duty on Malt, the Duty on Malt made from Bear or Bigg only, in *Scotland*. [15th *May* 1822.]

59 G. 3. c. 53. Sched. (A.) tit. Malt.

'WHEREAS an Act was passed in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third intituled *An Act for granting to His Majesty certain additional Duties of Excise on Tea, Coffee and Cocoa Nuts, Tobacco and Snuff, Pepper, Malt and* British *Spirits, and consolidating the same with the former Duties thereon, and for amending certain Laws of Excise relating thereto;* whereby an Excise Duty of Two Shillings and Six Pence was imposed for and upon every Bushel of all Malt made in *Great Britain* from Barley or any other Corn or Grain: And Whereas it is expedient that a smaller Duty should, during the Continuance of the present Duty of Malt, be levied upon such Malt as shall be made in *Scotland* from Bear or Bigg only, than upon Malt made from Barley or other Corn or Grain:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and twen-

Malt made from Bear or Bigg

twenty two, the Sum which shall be raised and levied pursuant to the said recited Act upon such Malt as shall from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, be made from Bear or Bigg only, in that Part of *Great Britain* called *Scotland*, shall be the Sum of One Shilling and Eleven Pence for and in respect of every Bushel of such Malt as shall, from and after the Day last aforesaid, be made from Bear or Bigg only, in that Part of *Great Britain* called *Scotland*, in place of Two Shillings and Six Pence, being the Amount of Duty granted by the said recited Act: Provided nevertheless, that from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, the Duty of Two Shillings and Six Pence imposed by the said recited Act shall be charged and paid, according to the Provisions thereof, for and upon every Bushel of all Malt whatsoever, which shall be made in and brought from *Scotland* into *England*, or which shall be made by any Maltster or Maker of Malt in *Scotland*, save and except such Malt only as shall be made for Home Consumption in *Scotland*, by any such Maltster or Maker of Malt from Bear or Bigg only, according to and under the several Rules, Regulations, Restrictions and Provisions herein after mentioned.

to be charged 1s. 11d. instead of 2s. 6d. per Bushel, imposed by recited Act.

But 2s. 6d. per Bushel to be paid for Malt brought into England.

II. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, all and every Person or Persons who shall propose or intend to make Malt from Bear or Bigg only, in that Part of *Great Britain* called *Scotland*, before he, she or they shall erect, set up, alter, enlarge or make use of any Cistern, Uting Vat or other Utensil for wetting or steeping Bear or Bigg to be made into Malt, or any Kiln, Floor, Room or other Place for the making or keeping of such Malt, or for the laying or keeping of Bear or Bigg for the Purpose of being made into Malt, shall make a true and particular Entry in Writing at the next Office of Excise, of every such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, and shall in such Entry express and declare that he, she or they is or are to make Malt from Bear or Bigg only, and from no other Grain whatsoever mixed or unmixed with Bear or Bigg, in such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or other Place for the making or keeping of such Malt, and that he, she or they is or are not to use any such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or other Place for the making or keeping of Malt made from Barley or other Corn or Grain; and if any such Person or Persons so proposing or intending to make Malt from Bear or Bigg only, shall also make or propose or intend to make Malt from Barley or other Corn or Grain, every such Person or Persons so also making or proposing or intending to make Malt from Barley or other Corn or Grain, shall before he, she or they shall erect, set up, alter, enlarge or make or continue to make use of any Cistern, Uting Vat or other Utensil, for wetting or steeping Barley or other Corn or Grain to be made into Malt, or any Kiln, Floor, Room or other Place for the making or keeping of such last mentioned Malt, also make a true and particular Entry in Writing at the same Office of Excise, of every such last mentioned Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, and shall also in such Entry express that he, she or they is or are to make Malt or keep Malt made from Barley or other Corn or Grain therein; and every Cistern,

Makers of Malt from Bear or Bigg to make Entry of Cistern and Vats, &c. at next Office of Excise, declaring that they are to make Malt from that Grain only.

If such Makers also propose to make Malt from Barley or other Grain, Entry to be made in like Manner of Cistern and Vats, &c.

Utensils to be kept separate

as well as the Grain, &c.

tern, Uting Vat, Utensil, Floor, Room or Place whatsoever, which shall be used for making Malt or keeping Malt made from Bear or Bigg only, shall be separate and distinct from every Cistern, Uting Vat, Utensil, Floor, Room or Place whatsoever, which shall be used for making Malt or keeping Malt made from Barley or other Corn or Grain; and no Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, used for making Malt or keeping Malt made from Bear or Bigg only, shall be used for making Malt or keeping Malt made from Barley or other Corn or Grain; and no Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, used for making Malt or keeping Malt made from Barley or other Corn or Grain, shall be used for making Malt or keeping Malt made from Bear or Bigg only; and all Malt made from Bear or Bigg only shall at all Times be kept separate and distinct from Malt made from Barley or other Corn or Grain until the same shall be put into the Mash Tun; and if any Person or Persons proposing or intending to make Malt from Bear or Bigg only, shall not make an Entry of every Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever to be used for making Malt or keeping Malt made from Bear or Bigg only; or if any such Person or Persons also making, or proposing or intending to make Malt from Barley or other Corn or Grain, shall not make an Entry of every Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, used or to be used for making Malt or keeping Malt made from Barley or other Corn or Grain; or if any Person or Persons shall use, for the Purpose of making Malt or keeping Malt made from Barley or other Corn or Grain, any Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, entered or used for making Malt or keeping Malt made from Bear or Bigg only, or shall use for the Purpose of making Malt or keeping Malt made from Barley or other Corn or Grain, any Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, entered or used for the making Malt or keeping Malt made from Bear or Bigg only, or shall not keep all Malt made from Bear or Bigg only, separate and distinct from Malt made from Barley or other Corn or Grain, until the same shall be put into the Mash Tun; every Person and all Persons so offending in any of the above Particulars, shall forfeit the Sum of Two hundred Pounds for every Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, used contrary to the Provisions of this Act, or the Sum of Two hundred Pounds for every and each Offence; and moreover, every Maltster or Maltsters, Maker or Makers of Malt, so offending in any of the above Particulars, shall be deemed and taken to be, and is and are hereby expressly declared to be a Maltster or Maltsters, Maker or Makers of Malt from Barley or other Corn or Grain, subject to the full Duty imposed by the said recited Act, of Two Shillings and Six Pence for every Bushel of Malt made by him, her or them, and to all other Duties, Regulations, Provisions, Restrictions, Penalties and Forfeitures to which any Maltsters or Makers of Malt from Barley or other Corn or Grain are subject and liable by virtue of any Act or Acts now in force.

Malt made from Bear or Bigg only kept separate.

Making default in the said Matters.

Penalty.

Offender declared a Maltster from Barley, &c. and subject to full Duty, &c.

Entry to remain in force until Notice

III. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, when and so often as any such Maltster or Maltsters, Maker or

Makers of Malt from Bear or Bigg only, shall have made such Entry as aforesaid, expressing that he is to make Malt from Bear or Bigg only, such Entry shall be and remain in force, as to such Maltster or Maker, and the Place and Utensils in such Entry mentioned, until such Maltster or Maltsters, Maker or Makers of Malt respectively, shall deliver to and leave with the proper Officer of Excise a Notice in Writing signifying that he, she or they has or have withdrawn and renounced the said Entry, and is or are no longer to continue to make Malt from Bear or Bigg only in manner aforesaid.

given of withdrawing it.

IV. And be it further enacted, That no such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, shall be permitted to withdraw or renounce his, her or their Entry so made as aforesaid, at any time, until all the Bear or Bigg in his, her or their Custody or Possession shall have been and is completely made into Malt and dried off, and until the whole thereof has been taken account of, and the Duties thereon have been duly charged by the proper Officer of Excise and paid; but the Officers of Excise shall and may continue to survey such Maltster or Maltsters, Maker or Makers of Malt, until the whole of such Bear or Bigg is completely made into Malt, dried off, taken account of, and charged with Duty, and such Duty is paid, as before mentioned.

Maltsters not allowed to withdraw Entry till Bear or Bigg in Possession is made into Malt, and accounted for and charged.

V. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, no Maltster or Maltsters, Maker or Makers of Malt in *Scotland*, from Barley or other Corn or Grain, shall be permitted to make an Entry under the Provisions of this Act as a Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, in any Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place theretofore used for making Malt or keeping Malt made from Barley or other Corn or Grain, until all the Malt made by him, her or them from Barley or other Corn or Grain shall be completely dried off, taken account of and charged with Duty and such Duty paid, and until all the Barley and other Corn or Grain in his, her or their Custody or Possession shall be completely removed and carried away from and out of every such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place so theretofore used for making Malt or keeping Malt made from Barley or other Corn or Grain; and no Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, shall be permitted to make an Entry as a Maltster or Maltsters or Maker or Makers of Malt from Barley or other Corn or Grain, in any Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place theretofore used for making Malt or keeping Malt made from Bear or Bigg only, until all the Malt made under the Provisions of this Act, from Bear or Bigg only, in such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place, shall be completely dried off, taken account of and charged with Duty, and such Duty paid, and shall be completely removed and carried away from and out of every such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place; and all or any Entry or Entries which shall be made or offered or tendered to be made, contrary to the true Intent and Meaning hereof, shall be and is hereby declared to be wholly null and void.

Maltsters making from Barley not permitted to make Entry as Maltster from Bear or Bigg, till Malt made from Barley accounted for charged and removed.

Maltsters making from Bear or Bigg only, in changing to Barley, subject to a similar Regulation;

and Entry void.

Places of Entry for making and keeping of Malt from Bear or Bigg, to be apart from Places for making and keeping of Malt from Barley.

VI. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, no Person or Persons whatsoever shall be permitted to make Entry or Use of any House or Place for the laying, making or keeping of Malt made from Bear or Bigg only, or to receive any Bear or Bigg into any House or Place belonging to him, her or them, unless the same shall be completely separate and apart, and under a different Roof, and in separate and wholly detached Premises, from any House or Place entered or used for the making, laying or keeping of Malt made from Barley and other Corn or Grain, or in which Barley or other Corn or Grain is laid or kept; and no Person or Persons shall be permitted to make an Entry or Use of any House or Place for the making, laying or keeping of Malt made from Barley or other Corn or Grain, or to receive any Barley or other Corn or Grain into any House or Place belonging to him, her or them, unless the same shall be completely separate and apart, and under a different Roof, and in wholly separate and detached Premises, from any House or Place entered or used for the making, laying and keeping of Malt made from Bear or Bigg only; and if any Entry or Entries shall be made or offered to be made contrary to the true Intent and Meaning of this Act, every such Entry shall be and is hereby declared to be null and void; and any Person or Persons making, laying or keeping any Malt, or any Bear or Bigg, or any Barley or other Corn or Grain, in any House or Place, Houses or Places, contrary to the true Intent and Meaning hereof, shall for every such Offence forfeit and lose the Sum of Two hundred Pounds, and all such Malt so made, laid or kept, and all such Bear or Bigg, or Barley or other Corn so laid or kept, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise.

Entry not duly made, void.

Persons offending, Penalty 200l. and the Malt.

No Bear or Bigg to be brought into Possession of Maltster without Notice to Officer, and leaving with him a Certificate from Grower, &c. that the same is not mixed with other Grain.

VII. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, no Bear or Bigg shall be brought into the Custody or Possession of any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, or into any Room or other Place made use of by such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, for the making, laying or keeping of such Malt, or of Bear or Bigg to be made into Malt, whether the said Room or other Place shall be entered or not entered, without first giving Notice thereof to the proper Officer of Excise of the Division or Place within which such Room or other Place is situate, and without thereupon producing to the said Officer, and leaving with him, an authentic Certificate under the Handwriting of the Grower from whom such Bear or Bigg is purchased or received, or if such Bear or Bigg shall not have been purchased from the Grower by such Maltster or Maltsters, or Maker or Makers of Malt from Bear or Bigg only, then under the Handwriting of the Seller thereof, testifying that such Corn or Grain so sold, sent or delivered with such Certificate unto and received by such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, is really and actually Bear or Bigg only, without any Mixture therein or any Addition thereto, of any other Kind or Species of Corn or Grain whatsoever, and also stating the Place, Parish and County where, and the Person by whom the same was

grown, if such Certificate shall be under the Handwriting of the Grower of such Bear or Bigg, and if the same shall be under the Handwriting of any other Person, then such Person shall state the Place, Parish and County where, and the Person by whom the same was grown, according to the best of his Knowledge and Belief; and all such Certificates, underwritten by the Officer of Excise to whom the same are respectively delivered, shall be transmitted by the Surveyor of the District to the Commissioners of Excise, as they shall direct: And if any Bear or Bigg shall be brought or received into the Custody or Possession of any such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, contrary to the Provisions of this Act, or shall be received into the Custody or Possession of any such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, without such Notice and Certificate as is hereinbefore mentioned, all such Bear or Bigg shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise, and such Maltster or Maltsters, Maker or Makers of Malt, into whose Custody or Possession the same shall be brought, or in whose Custody or Possession the same shall be found, shall forfeit and lose the Sum of Two hundred Pounds.

Forfeiture of Grain, and Penalty 200l.

VIII. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, if any Person or Persons whatsoever shall give or grant unto any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, or any such Maltster or Maker shall produce any false or untrue Certificate, signifying or certifying that any Corn or Grain whatsoever, sold, sent or delivered unto, or had or received by any such Maltster or Maltsters, Maker or Makers of Malt as aforesaid, is really Bear or Bigg only, without the Mixture or Addition of any other Corn or Grain, when such Corn or Grain so sold, sent or delivered, is not really and truly Bear or Bigg only, without such Mixture or Addition of other Corn or Grain, or containing any other false or untrue Statement, every such Person or Persons shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Giving false Certificates to Maltsters, and on Maltsters using them, Penalty 200l.

IX. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, when any Bear or Bigg, or other Corn or Grain whatsoever, shall be brought and received into the Custody or Possession of any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, or into any House, Room or Place made use of by such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, for the making, laying or keeping of such Malt as aforesaid, or of Bear or Bigg to be made into Malt, then and in every such Case all such Bear or Bigg or other Corn or Grain shall be kept separate and apart from, and not in any manner mixed or confounded with any other Bear or Bigg in the Custody or Possession of such Maltster or Maltsters, Maker or Makers of Malt as aforesaid, for the Space of Twenty four Hours at least after the same hath been so received into his, her or their Custody or Possession, and until the Officer of Excise has had an Opportunity of inspecting and examining the same; and such Bear or Bigg shall in all time thereafter be kept separate

Bear or Bigg delivered to Maltsters to be kept separate from any other for 24 Hours till Officer shall inspect it.

Bear or Bigg mixed, forfeited;

parate and distinct from Barley or other Corn or Grain in the Custody or Possession of such Maltster or Maltsters, Maker or Makers of Malt as aforesaid; and if any such Bear or Bigg shall not be kept separate and apart from all other Bear or Bigg, and from all Barley or other Corn or Grain, as is herein directed, then and in every such Case all such Bear or Bigg so mixed or confounded, and all the Barley or other Corn or Grain with which the same shall be so mixed or confounded, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise; and the Maltster or Maltsters, Maer or Makers of Malt, in whose Custody the same shall be found, shall forfeit and lose the Sum of Fifty Pounds.

and Penalty 50l.

Bear or Bigg not to be steeped for 24 Hours, or until Officer shall have inspected it, Penalty 50l. and forfeiture of Grain.

X. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, it shall not be lawful for any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, to wet, steep or put into Water any Bear or Bigg in order to be made into Malt, until the Expiration of Twenty four Hours at least after the said Bear or Bigg shall have been brought into his, her or their Custody or Possession, or until the Officer of Excise has had an Opportunity of inspecting and examining the same; and if any such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, shall begin to wet, steep or put into Water, any Bear or Bigg in order to be made into Malt, before the Expiration of Twenty four Hours after such Bear or Bigg has been brought into his, her or their Custody or Possession, or before the Officer of Excise has had an Opportunity of inspecting and examining the same, whether Notice of his, her or their Intention to wet the same shall or shall not have been given, he, she or they shall forfeit and lose for every such Offence the Sum of Fifty Pounds; and all the Bear or Bigg so begun to be wet, steeped or put into Water as aforesaid, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise.

Penalty 50l. and Bear forfeited.

Officer to take an Account of Bear or Bigg, and of other Grain, and may take Samples.

XI. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, all and every Officer and Officers of Excise shall be and is and are hereby authorized and required to examine and take account of all Bear or Bigg, Barley or other Corn, Grain and Malt whatsoever, which shall or may at any Time be in the Custody or Possession of any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, whether the same shall be actually making or made into Malt or not, and shall have full Power to ascertain, in such manner as shall be to his Satisfaction, the Quantity and the Species or Kind thereof, and of the Corn or Grain from which any such Malt has been made; and shall be authorized to take a Sample or Samples of all such Bear or Bigg, Barley or other Corn or Grain, and Malt respectively, if such Officer or Officers shall deem the same to be necessary, such Sample or Samples not exceeding Two Ounces in the Whole out of each separate Parcel of Bear or Bigg, Barley or other Corn or Grain or Malt; and if any Person or Persons shall at any time hinder, obstruct or deceive any such Officer or Officers in examining the Species or Kind of such Bear or Bigg, Barley or other Corn or Grain, or Malt as aforesaid, or in ascertaining the Quantity

Obstructing Officer, Penalty 200l.

Quantity thereof respectively, or in taking Samples of the same, or use any Means, Art or Device for that Purpose, every such Person or Persons shall, for every such Offence, forfeit and lose the Sum of Two hundred Pounds.

Barley, or Malt from Barley, found in Possession of Maltster malting from Bear or Bigg only forfeited, and Penalty 200l. and Maltster charged 2s. 6d. for every Bushel of Malt in his Possession.

XII. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, if any Officer or Officers of Excise shall find and discover any Barley or other Corn or Grain mixed with Bear or Bigg, or any Malt which has been made from Barley or other Corn or Grain mixed with Malt made from Bear or Bigg, in the Custody or Possession of or on the Premises belonging to any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, contrary to the Provisions of this Act, then all such Barley or other Corn or Grain, and Bear or Bigg, and all such Malt made from Barley or other Corn or Grain, and also all the Malt made from Bear or Bigg with or among which the same shall be mixed or mingled, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise; and the Maltster or Maltsters, Maker or Makers of Malt, with whom or in whose Custody such Barley, or other Corn or Grain mixed with Bear or Bigg, or Malt made from such Barley or other Corn or Grain mixed with Malt made from Bear or Bigg, shall be found, shall forfeit and lose the Sum of Two hundred Pounds, and shall also be charged with and shall pay the full Duty of Two Shillings and Six Pence by the said recited Act imposed for and upon all and every Bushel of Malt whatsoever that shall then be in his, her or their Custody or Possession, whether the same shall be completely made or not, and from whatever Species of Grain the same shall or may be making or made, or pretended or alleged to be making or made.

Maltsters malting from Bear or Bigg only liable to the Regulations to which other Maltsters are liable, and entitled to the same Allowances. Exception.

XIII. And be it further enacted, That all and every Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, shall be subject and liable to all the Rules, Regulations, Restrictions, Provisions, Penalties and Forfeitures, for securing, charging, computing, levying and paying the Duty or Duties upon Malt, and for preventing Frauds relating thereto, to which any Maltster or Maltsters, Maker or Makers of Malt from Barley or other Corn or Grain is or are made subject and liable by any Act or Acts of Parliament now in force; and such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, shall have and be entitled to the same and no other Allowances in charging and computing the Duties imposed upon Malt made by him, her or them, as are made or given to Maltsters or Makers of Malt from Barley or other Corn or Grain, in virtue of any Act or Acts of Parliament now in force, save and except where the same shall or may be expressly altered by any of the Clauses, Matters or Things herein before specially provided in regard to Maltsters or Makers of Malt from Bear or Bigg only; any thing in this Act contained to the contrary notwithstanding.

Maltsters intending to make Malt from Bear or Bigg for Exportation, liable to the usual Regulations and Allowances.

XIV. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, in case any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg, shall intend to make Malt from Bear or Bigg for the Purpose of Exportation, such Maltster or Maltsters, Maker or Makers of Malt, shall be subject and liable to all and every the Rules, Restrictions, Provisions, Regulations, Limitations, Penalties and Forfeitures,

CAP. XXIX.

An Act to continue, until the Twenty fifth Day of *January* One thousand eight hundred and twenty three, and from thence to the End of the then next Session of Parliament, an Act made in the Fifty fourth Year of His late Majesty, for rendering the Payment of Creditors more equal and expeditious in *Scotland*. [15th *May* 1822.]

54 G. 3. c. 137.

'WHEREAS an Act was passed in the Fifty fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for rendering the Payment of Creditors more equal and expeditious in* Scotland; which Act was to continue for Seven Years from the Twenty fifth Day of *July* One thousand eight hundred and fourteen, and from thence to the End of the then next Session of Parliament: And Whereas it is expedient that the said Act should be continued for a further Term;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by

continued.

the Authority of the same, That the said Act of the Fifty fourth Year of the Reign of His late Majesty, for rendering the Payment of Creditors more equal and expeditious in *Scotland*, shall be and the same is hereby continued, from the expiration thereof, until the Twenty fifth Day of *January* One thousand eight hundred and twenty three, and from thence to the End of the then next Session of Parliament.

Act may be altered this Session.

II. And be it further enacted, That this Act and the said recited Act may be altered by any Act or Acts in the present Session of Parliament.

CAP. XXX.

An Act for reducing, during the Continuance of the present Duty on Malt, the Duty on Malt made from Bear or Bigg only, in *Scotland*. [15th *May* 1822.]

59 G. 3. c. 53. Sched. (A.) tit. Malt.

'WHEREAS an Act was passed in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting to His Majesty certain additional Duties of Excise on Tea, Coffee and Cocoa Nuts, Tobacco and Snuff, Pepper, Malt and* British *Spirits, and consolidating the same with the former Duties thereon, and for amending certain Laws of Excise relating thereto;* whereby an Excise Duty of Two Shillings and Six Pence was imposed for and upon every Bushel of all Malt made in *Great Britain* from Barley or any other Corn or Grain: And Whereas it is expedient that a smaller Duty should, during the Continuance of the present Duty on Malt, be levied upon such Malt as shall be made in *Scotland* from Bear or Bigg only, than upon Malt made from Barley or other Corn or Grain:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and

Malt made from Bear or Bigg

twenty two, the Sum which shall be raised and levied pursuant to the said recited Act upon such Malt as shall from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, be made from Bear or Bigg only, in that Part of *Great Britain* called *Scotland*, shall be the Sum of One Shilling and Eleven Pence for and in respect of every Bushel of such Malt as shall, from and after the Day last aforesaid, be made from Bear or Bigg only, in that Part of *Great Britain* called *Scotland*, in place of Two Shillings and Six Pence, being the Amount of Duty granted by the said recited Act: Provided nevertheless, that from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, the Duty of Two Shillings and Six Pence imposed by the said recited Act shall be charged and paid, according to the Provisions thereof, for and upon every Bushel of all Malt whatsoever, which shall be made in and brought from *Scotland* into *England*, or which shall be made by any Maltster or Maker of Malt in *Scotland*, save and except such Malt only as shall be made for Home Consumption in *Scotland*, by any such Maltster or Maker of Malt from Bear or Bigg only, according to and under the several Rules, Regulations, Restrictions and Provisions herein after mentioned.

to be charged 1s. 11d. instead of 2s. 6d. per Bushel, imposed by recited Act.

But 2s. 6d. per Bushel to be paid for Malt brought into England.

II. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, all and every Person or Persons who shall propose or intend to make Malt from Bear or Bigg only, in that Part of *Great Britain* called *Scotland*, before he, she or they shall erect, set up, alter, enlarge or make use of any Cistern, Uting Vat or other Utensil for wetting or steeping Bear or Bigg to be made into Malt, or any Kiln, Floor, Room or other Place for the making or keeping of such Malt, or for the laying or keeping of Bear or Bigg for the Purpose of being made into Malt, shall make a true and particular Entry in Writing at the next Office of Excise, of every such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, and shall in such Entry express and declare that he, she or they is or are to make Malt from Bear or Bigg only, and from no other Grain whatsoever mixed or unmixed with Bear or Bigg, in such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or other Place for the making or keeping of such Malt, and that he, she or they is or are not to use any such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or other Place for the making or keeping of Malt made from Barley or other Corn or Grain; and if any such Person or Persons so proposing or intending to make Malt from Bear or Bigg only, shall also make or propose or intend to make Malt from Barley or other Corn or Grain, every such Person or Persons so also making or proposing or intending to make Malt from Barley or other Corn or Grain, shall before he, she or they shall erect, set up, alter, enlarge or make or continue to make use of any Cistern, Uting Vat or other Utensil, for wetting or steeping Barley or other Corn or Grain to be made into Malt, or any Kiln, Floor, Room or other Place for the making or keeping of such last mentioned Malt, also make a true and particular Entry in Writing at the same Office of Excise, of every such last mentioned Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, and shall also in such Entry express that he, she or they is or are to make Malt or keep Malt made from Barley or other Corn or Grain therein; and every Cistern,

Makers of Malt from Bear or Bigg to make Entry of Cistern and Vats, &c. at next Office of Excise, declaring that they are to make Malt from that Grain only.

If such Makers also propose to make Malt from Barley or other Grain, Entry to be made in like Manner of Cistern and Vats, &c.

Utensils to be kept separate

as well as the Grain, &c.

tern, Uting Vat, Utensil, Floor, Room or Place whatsoever, which shall be used for making Malt or keeping Malt made from Bear or Bigg only, shall be separate and distinct from every Cistern, Uting Vat, Utensil, Floor, Room or Place whatsoever, which shall be used for making Malt or keeping Malt made from Barley or other Corn or Grain; and no Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, used for making Malt or keeping Malt made from Bear or Bigg only, shall be used for making Malt or keeping Malt made from Barley or other Corn or Grain; and no Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, used for making Malt or keeping Malt made from Barley or other Corn or Grain, shall be used for making Malt or keeping

Malt made from Bear or Bigg only kept separate.

Malt made from Bear or Bigg only; and all Malt made from Bear or Bigg only shall at all Times be kept separate and distinct from Malt made from Barley or other Corn or Grain until the same shall be put into the Mash Tun; and if any Person or Persons proposing or intending to make Malt from Bear or Bigg only, shall not make an Entry of every Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever to be used for making Malt or keeping Malt

Making default in the said Matters.

made from Bear or Bigg only; or if any such Person or Persons also making, or proposing or intending to make Malt from Barley or other Corn or Grain, shall not make an Entry of every Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, used or to be used for making Malt or keeping Malt made from Barley or other Corn or Grain; or if any Person or Persons shall use, for the Purpose of making Malt or keeping Malt made from Barley or other Corn or Grain, any Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, entered or used for making Malt or keeping Malt made from Bear or Bigg only, or shall use for the Purpose of making Malt or keeping Malt made from Barley or other Corn or Grain, any Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, entered or used for the making Malt or keeping Malt made from Bear or Bigg only, or shall not keep all Malt made from Bear or Bigg only, separate and distinct from Malt made from Barley or other Corn or Grain, until the same shall

Penalty.

be put into the Mash Tun; every Person and all Persons so offending in any of the above Particulars, shall forfeit the Sum of Two hundred Pounds for every Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place whatsoever, used contrary to the Provisions of this Act, or the Sum of Two hundred Pounds for every and each Offence; and moreover, every Maltster or Maltsters, Maker

Offender declared a Maltster from Barley, &c. and subject to full Duty, &c.

or Makers of Malt, so offending in any of the above Particulars, shall be deemed and taken to be, and is and are hereby expressly declared to be a Maltster or Maltsters, Maker or Makers of Malt from Barley or other Corn or Grain, subject to the full Duty imposed by the said recited Act, of Two Shillings and Six Pence for every Bushel of Malt made by him, her or them, and to all other Duties, Regulations, Provisions, Restrictions, Penalties and Forfeitures to which any Maltsters or Makers of Malt from Barley or other Corn or Grain are subject and liable by virtue of any Act or Acts now in force.

Entry to remain in force until Notice

III. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, when and so often as any such Maltster or Maltsters, Maker or

Makers of Malt from Bear or Bigg only, shall have made such Entry as aforesaid, expressing that he is to make Malt from Bear or *Bigg* only, such Entry shall be and remain in force, as to such Maltster or Maker, and the Place and Utensils in such Entry mentioned, until such Maltster or Maltsters, Maker or Makers of Malt respectively, shall deliver to and leave with the proper Officer of Excise a Notice in Writing signifying that he, she or they has or have withdrawn and renounced the said Entry, and is or are no longer to continue to make Malt from Bear or Bigg only in manner aforesaid.

given of withdrawing it.

IV. And be it further enacted, That no such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, shall be permitted to withdraw or renounce his, her or their Entry so made as aforesaid, at any time, until all the Bear or Bigg in his, her or their Custody or Possession shall have been and is completely made into Malt and dried off, and until the whole thereof has been taken account of, and the Duties thereon have been duly charged by the proper Officer of Excise and paid; but the Officers of Excise shall and may continue to survey such Maltster or Maltsters, Maker or Makers of Malt, until the whole of such Bear or Bigg is completely made into Malt, dried off, taken account of, and charged with Duty, and such Duty is paid, as before mentioned.

Maltsters not allowed to withdraw Entry till Bear or Bigg in Possession is made into Malt, and accounted for and charged.

V. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, no Maltster or Maltsters, Maker or Makers of Malt in *Scotland*, from Barley or other Corn or Grain, shall be permitted to make an Entry under the Provisions of this Act as a Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, in any Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place theretofore used for making Malt or keeping Malt made from Barley or other Corn or Grain, until all the Malt made by him, her or them from Barley or other Corn or Grain shall be completely dried off, taken account of and charged with Duty and such Duty paid, and until all the Barley and other Corn or Grain in his, her or their Custody or Possession shall be completely removed and carried away from and out of every such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place so theretofore used for making Malt or keeping Malt made from Barley or other Corn or Grain; and no Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, shall be permitted to make an Entry as a Maltster or Maltsters or Maker or Makers of Malt from Barley or other Corn or Grain, in any Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place theretofore used for making Malt or keeping Malt made from Bear or Bigg only, until all the Malt made under the Provisions of this Act, from Bear or Bigg only, in such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place, shall be completely dried off, taken account of and charged with Duty, and such Duty paid, and shall be completely removed and carried away from and out of every such Cistern, Uting Vat, Utensil, Kiln, Floor, Room or Place; and all or any Entry or Entries which shall be made or offered or tendered to be made, contrary to the true Intent and Meaning hereof, shall be and is hereby declared to be wholly null and void.

Maltsters malting from Barley not permitted to make Entry as Maltster from Bear or Bigg, till Malt made from Barley accounted for charged and removed.

Maltsters malting from Bear or Bigg only, in changing to Barley, subject to a similar Regulation;

and Entry void.

Places of Entry for making and keeping of Malt from Bear or Bigg, to be apart from Places for making and keeping of Malt from Barley.

VI. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, no Person or Persons whatsoever shall be permitted to make Entry or Use of any House or Place for the laying, making or keeping of Malt made from Bear or Bigg only, or to receive any Bear or Bigg into any House or Place belonging to him, her or them, unless the same shall be completely separate and apart, and under a different Roof, and in separate and wholly detached Premises, from any House or Place entered or used for the making, laying or keeping of Malt made from Barley and other Corn or Grain, or in which Barley or other Corn or Grain is laid or kept; and no Person or Persons shall be permitted to make an Entry or Use of any House or Place for the making, laying or keeping of Malt made from Barley or other Corn or Grain, or to receive any Barley or other Corn or Grain into any House or Place belonging to him, her or them, unless the same shall be completely separate and apart, and under a different Roof, and in wholly separate and detached Premises, from any House or Place entered or used for the making, laying and keeping of Malt made from Bear or Bigg only; and if any Entry or Entries shall be made or offered to be made contrary to the true Intent and Meaning of this Act, every such Entry shall be and is hereby declared to be null and void; and any Person or Persons making, laying or keeping any Malt, or any Bear or Bigg, or any Barley or other Corn or Grain, in any House or Place, Houses or Places, contrary to the true Intent and Meaning hereof, shall for every such Offence forfeit and lose the Sum of Two hundred Pounds, and all such Malt so made, laid or kept, and all such Bear or Bigg, or Barley or other Corn so laid or kept, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise.

Entry not duly made, void.

Persons offending, Penalty 200l. and the Malt.

No Bear or Bigg to be brought into Possession of Maltster without Notice to Officer, and leaving with him a Certificate from Grower, &c. that the same is not mixed with other Grain.

VII. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, no Bear or Bigg shall be brought into the Custody or Possession of any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, or into any Room or other Place made use of by such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, for the making, laying or keeping of such Malt, or of Bear or Bigg to be made into Malt, whether the said Room or other Place shall be entered or not entered, without first giving Notice thereof to the proper Officer of Excise of the Division or Place within which such Room or other Place is situate, and without thereupon producing to the said Officer, and leaving with him, an authentic Certificate under the Handwriting of the Grower from whom such Bear or Bigg is purchased or received, or if such Bear or Bigg shall not have been purchased from the Grower by such Maltster or Maltsters, or Maker or Makers of Malt from Bear or Bigg only, then under the Handwriting of the Seller thereof, testifying that such Corn or Grain so sold, sent or delivered with such Certificate unto and received by such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, is really and actually Bear or Bigg only, without any Mixture therein or any Addition thereto, of any other Kind or Species of Corn or Grain whatsoever, and also stating the Place, Parish and County where, and the Person by whom the same was

grown, if such Certificate shall be under the Handwriting of the Grower of such Bear or Bigg, and if the same shall be under the Handwriting of any other Person, then such Person shall state the Place, Parish and County where, and the Person by whom the same was grown, according to the best of his Knowledge and Belief; and all such Certificates, underwritten by the Officer of Excise to whom the same are respectively delivered, shall be transmitted by the Surveyor of the District to the Commissioners of Excise, as they shall direct: And if any Bear or Bigg shall be brought or received into the Custody or Possession of any such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, contrary to the Provisions of this Act, or shall be received into the Custody or Possession of any such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, without such Notice and Certificate as is hereinbefore mentioned, all such Bear or Bigg shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise, and such Maltster or Maltsters, Maker or Makers of Malt, into whose Custody or Possession the same shall be brought, or in whose Custody or Possession the same shall be found, shall forfeit and lose the Sum of Two hundred Pounds.

Forfeiture of Grain, and Penalty 200l.

VIII. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, if any Person or Persons whatsoever shall give or grant unto any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, or any such Maltster or Maker shall produce any false or untrue Certificate, signifying or certifying that any Corn or Grain whatsoever, sold, sent or delivered unto, or had or received by any such Maltster or Maltsters, Maker or Makers of Malt as aforesaid, is really Bear or Bigg only, without the Mixture or Addition of any other Corn or Grain, when such Corn or Grain so sold, sent or delivered, is not really and truly Bear or Bigg only, without such Mixture or Addition of other Corn or Grain, or containing any other false or untrue Statement, every such Person or Persons shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Giving false Certificates to Maltsters, and on Maltsters using them, Penalty 200l.

IX. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, when any Bear or Bigg, or other Corn or Grain whatsoever, shall be brought and received into the Custody or Possession of any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, or into any House, Room or Place made use of by such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, for the making, laying or keeping of such Malt as aforesaid, or of Bear or Bigg to be made into Malt, then and in every such Case all such Bear or Bigg or other Corn or Grain shall be kept separate and apart from, and not in any manner mixed or confounded with any other Bear or Bigg in the Custody or Possession of such Maltster or Maltsters, Maker or Makers of Malt as aforesaid, for the Space of Twenty four Hours at least after the same hath been so received into his, her or their Custody or Possession, and until the Officer of Excise has had an Opportunity of inspecting and examining the same; and such Bear or Bigg shall in all time thereafter be kept separate

Bear or Bigg delivered to Maltsters to be kept separate from any other for 24 Hours till Officer shall inspect it.

Bear or Bigg mixed, forfeited;

parate and distinct from Barley or other Corn or Grain in the Custody or Possession of such Maltster or Maltsters, Maker or Makers of Malt as aforesaid; and if any such Bear or Bigg shall not be kept separate and apart from all other Bear or Bigg, and from all Barley or other Corn or Grain, as is herein directed, then and in every such Case all such Bear or Bigg so mixed or confounded, and all the Barley or other Corn or Grain with which the same shall be so mixed or confounded, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise; and the Maltster or Maltsters, Maer or Makers of Malt, in whose Custody the same shall be found, shall forfeit and lose the Sum of Fifty Pounds.

and Penalty 50l.

Bear or Bigg not to be steeped for 24 Hours, or until Officer shall have inspected it, Penalty 50l. and forfeiture of Grain.

X. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, it shall not be lawful for any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, to wet, steep or put into Water any Bear or Bigg in order to be made into Malt, until the Expiration of Twenty four Hours at least after the said Bear or Bigg shall have been brought into his, her or their Custody or Possession, or until the Officer of Excise has had an Opportunity of inspecting and examining the same; and if any such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, shall begin to wet, steep or put into Water, any Bear or Bigg in order to be made into Malt, before the Expiration of Twenty four Hours after such Bear or Bigg has been brought into his, her or their Custody or Possession, or before the Officer of Excise has had an Opportunity of inspecting and examining the same, whether Notice of his, her or their Intention to wet the same shall or shall not have been given, he, she or they shall forfeit and lose for every such Offence the Sum of Fifty Pounds; and all the Bear or Bigg so begun to be wet, steeped or put into Water as aforesaid, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise.

Penalty 50l. and Bear forfeited.

Officer to take an Account of Bear or Bigg, and of other Grain, and may take Samples.

XI. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, all and every Officer and Officers of Excise shall be and is and are hereby authorized and required to examine and take account of all Bear or Bigg, Barley or other Corn, Grain and Malt whatsoever, which shall or may at any Time be in the Custody or Possession of any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, under the Provisions of this Act, whether the same shall be actually making or made into Malt or not, and shall have full Power to ascertain, in such manner as shall be to his Satisfaction, the Quantity and the Species or Kind thereof, and of the Corn or Grain from which any such Malt has been made; and shall be authorized to take a Sample or Samples of all such Bear or Bigg, Barley or other Corn or Grain, and Malt respectively, if such Officer or Officers shall deem the same to be necessary, such Sample or Samples not exceeding Two Ounces in the Whole out of each separate Parcel of Bear or Bigg, Barley or other Corn or Grain or Malt; and if any Person or Persons shall at any time hinder, obstruct or deceive any such Officer or Officers in examining the Species or Kind of such Bear or Bigg, Barley or other Corn or Grain, or Malt as aforesaid, or in ascertaining the Quantity

Obstructing Officer, Penalty 200l.

Quantity thereof respectively, or in taking Samples of the same, or use any Means, Art or Device for that Purpose, every such Person or Persons shall, for every such Offence, forfeit and lose the Sum of Two hundred Pounds.

Barley, or Malt from Barley, found in Possession of Maltster malting from Bear or Bigg only forfeited, and Penalty 200l. and Maltster charged 2s. 6d. for every Bushel of Malt in his Possession.

XII. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, if any Officer or Officers of Excise shall find and discover any Barley or other Corn or Grain mixed with Bear or Bigg, or any Malt which has been made from Barley or other Corn or Grain mixed with Malt made from Bear or Bigg, in the Custody or Possession of or on the Premises belonging to any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, contrary to the Provisions of this Act, then all such Barley or other Corn or Grain, and Bear or Bigg, and all such Malt made from Barley or other Corn or Grain, and also all the Malt made from Bear or Bigg with or among which the same shall be mixed or mingled, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise; and the Maltster or Maltsters, Maker or Makers of Malt, with whom or in whose Custody such Barley, or other Corn or Grain mixed with Bear or Bigg, or Malt made from such Barley or other Corn or Grain mixed with Malt made from Bear or Bigg, shall be found, shall forfeit and lose the Sum of Two hundred Pounds, and shall also be charged with and shall pay the full Duty of Two Shillings and Six Pence by the said recited Act imposed for and upon all and every Bushel of Malt whatsoever that shall then be in his, her or their Custody or Possession, whether the same shall be completely made or not, and from whatever Species of Grain the same shall or may be making or made, or pretended or alleged to be making or made.

Maltsters malting from Bear or Bigg only liable to the Regulations to which other Maltsters are liable, and entitled to the same Allowances. Exception.

XIII. And be it further enacted, That all and every Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, shall be subject and liable to all the Rules, Regulations, Restrictions, Provisions, Penalties and Forfeitures, for securing, charging, computing, levying and paying the Duty or Duties upon Malt, and for preventing Frauds relating thereto, to which any Maltster or Maltsters, Maker or Makers of Malt from Barley or other Corn or Grain is or are made subject and liable by any Act or Acts of Parliament now in force; and such Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg only, shall have and be entitled to the same and no other Allowances in charging and computing the Duties imposed upon Malt made by him, her or them, as are made or given to Maltsters or Makers of Malt from Barley or other Corn or Grain, in virtue of any Act or Acts of Parliament now in force, save and except where the same shall or may be expressly altered by any of the Clauses, Matters or Things herein before specially provided in regard to Maltsters or Makers of Malt from Bear or Bigg only; any thing in this Act contained to the contrary notwithstanding.

Maltsters intending to make Malt from Bear or Bigg for Exportation, liable to the usual Regulations and Allowances.

XIV. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, in case any Maltster or Maltsters, Maker or Makers of Malt from Bear or Bigg, shall intend to make Malt from Bear or Bigg for the Purpose of Exportation, such Maltster or Maltsters, Maker or Makers of Malt, shall be subject and liable to all and every the Rules, Restrictions, Provisions, Regulations, Limitations, Penalties and Forfeitures,

feitures, to which any Maltster or Maltsters, Maker or Makers of Malt for Exportation is or are liable, and shall be entitled to and shall receive the same and no other Allowances which any Maltster or Maltsters, Maker or Makers of Malt for Exportation does or is entitled to receive in virtue or in pursuance of any Act or Acts of Parliament now in force relating to the making of Malt for Exportation.

Distillers, &c. sending Spirits, &c. to England, to make Oath that Malt used was made from Barley, &c. and not from Bear or Bigg.

XV. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, when and so often as any Distiller, or any Common Brewer or Maker of Ale or Beer in *Scotland*, or any other Person or Persons in *Scotland*, shall export or send to *England* or elsewhere any Spirits, or any Ale or Beer brewed or made in *Scotland*, every such Distiller, Common Brewer or Maker of Ale or Beer, or such other Person or Persons, or his Foreman, Manager or principal Servant, shall, before or at the Time of the Shipment thereof, make Oath before the Collector or other principal Officer of Excise of the Collection from whence the same shall be meant to be exported or sent (which Oath such Collector and principal Officer respectively is hereby empowered and required to administer), that the Malt used and employed in the making or brewing of such Spirits, Ale or Beer respectively, so meant to be exported or sent to *England* or elsewhere, was Malt made from Barley or other Corn or Grain, in respect whereof the full Duty of Excise was charged and paid, or secured to be paid; that no Malt whatsoever made from Bear or Bigg, for or in respect whereof, a lesser Duty was charged or paid, was used or employed in the making or brewing thereof; and if any such Brewer or other Person or Persons shall swear falsely, every such Brewer or other Person shall suffer the Pains of Perjury.

Perjury.

Distiller making Malt from Bear or Bigg in any Distillery of Spirits, for Exportation, or receiving into his Possession Malt made from Bear or Bigg.

XVI. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, it shall not be lawful for any Distiller, or any Person or Persons in *Scotland*, to make use of any Malt made from Bear or Bigg in any Distillery entered for the distilling or making of Spirits in *Scotland* for Exportation, or to receive or have in his, her or their Custody or Possession, or in any Part of any Premises used for the Purpose of distilling or making or keeping Spirits for Exportation, or for the keeping or laying of Malt or Grain to be employed for that Purpose, any Malt made from Bear or Bigg, mixed or unmixed with any other Malt or Grain whatsoever; and if any Officer or Officers of Excise shall find or discover any Malt made from Bear or Bigg, mixed or unmixed with any other Malt or Grain whatsoever, in the Custody and Possession of, or on the Premises belonging to or used by any Distiller of Spirits in *Scotland* for Exportation, all such Malt made from Bear or Bigg, and all Malt or Grain mixed therewith, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of Excise; and every Distiller of Spirits in *Scotland* for Exportation, who shall use in such Distillery any Malt made from Bear or Bigg, mixed or unmixed with other Malt or Grain, or in whose Premises or Possession any Malt made from Bear or Bigg, mixed or unmixed with other Malt or Grain, shall be received or found, shall for every such offence forfeit and lose the sum of Two hundred Pounds, to be recovered,

Malt forfeited, and Penalty 200l.

levied

levied and applied as any other Excise Penalty may be recovered, levied and applied.

In Cases of Seizures of Grain, Proof to lie on Claimant, if claimed to be Bear or Bigg.

XVII. And be it further enacted, That if any Corn or Grain shall, after the said Fifth Day of *July* One thousand eight hundred and twenty two, be seized as forfeited under or by virtue of the Provisions of this Act, for being Barley or other Corn or Grain than Bear or Bigg only, or for being a Mixture of Barley or other Corn or Grain with Bear or Bigg; or if any Malt shall be seized as forfeited under or by virtue of the Provisions of this Act, for being Malt made from Barley or other Corn or Grain than Bear or Bigg only, or for being Malt made from a Mixture of Barley or other Corn or Grain with Bear or Bigg, the Proof that such Corn or Grain is Bear or Bigg only, and not a Mixture of Barley or other Corn or Grain with Bear or Bigg, and that such Malt if claimed as being Malt made from Bear or Bigg, under the Provisions of this Act, was made from Bear or Bigg only under the Provisions of this Act, and not from Barley or other Corn or Grain, or a mixture of Barley or other Grain with Bear or Biggs, shall lie on the Claimant thereof; or if such Malt be claimed as Malt made from Barley or other Corn or Grain, the Proof that the full Duty imposed by the said recited Act has been charged and paid for and in respect thereof, after the Rate of Two Shillings and Six Pence for every Bushel thereof, shall lie upon the Claimant thereof respectively.

In Cases of Malt, Claimant to prove that Duty of 2s. 6d. per Bushel has been paid.

Recovery and Application of Penalties.

XVIII. And be it further enacted, That all Fines, Penalties and Forfeitures, imposed by this Act, shall be sued for, recovered, levied or mitigated, by such Ways, Means or Methods, as any Fine, Penalty or Forfeiture may be sued for, recovered, levied or mitigated, by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint or Information in His Majesty's Court of Exchequer in *Scotland*; and that One Moiety of every such Fine, Penalty or Forfeiture, shall be to His Majesty, His Heirs and Successors, and the other Moiety to him, her or them, who shall discover, inform or sue for the same.

Continuance of Act.

XIX. And be it further enacted, That this Act shall continue in force during the Continuance of the present Duty on Malt.

CAP. XXXI.

An Act to grant Countervailing Duties, and to allow equivalent Drawbacks on Malt, Beer and Spirits imported and exported between *Great Britain* and *Ireland*.

[15th *May* 1822.]

See cap. 94. post.

'WHEREAS Part of the Duties on Malt made in *Great Britain* and *Ireland* have been repealed from the Twenty fifth Day of *February* One thousand eight hundred and twenty two, and it is therefore necessary that the Countervailing Duties on the Importation of Malt, Beer and Spirits into *Great Britain* and *Ireland* respectively from each other, and the equivalent Drawbacks on the Exportation of Malt, Beer and Spirits from either Country to the other, should be reduced and regulated in manner hereinafter mentioned:' Be it therefore enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fifth Day of *February* One thousand eight hundred

Countervailing Duty on Irish Malt im-

ported into Great Britain under 59 G. 3. c. 53. repealed.

dred and twenty two, the Countervailing Duty of Three Shillings and Six Pence upon every Bushel of Malt made in *Ireland*, and imported or brought from thence into *Great Britain*, imposed by an Act made in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, for granting certain additional Duties of Excise in *Great Britain*, shall cease and determine, except as to any Arrear thereof; and that in lieu thereof the following Duty of Excise shall be charged, levied, collected and paid; that is to say,

New Countervailing Duty, Excise.

for and upon every Bushel of Malt made in *Ireland*, and imported or brought from thence into *Great Britain* unground, an Excise Countervailing Duty of Two Shillings and Six Pence; and that upon the Exportation from *Great Britain* to *Ireland*, after the said Twenty fifth Day of *February*, One thousand eight hundred and twenty two, of any Malt made in *Great Britain*, there shall be allowed and given a Drawback equal in Amount to the said Countervailing Duty payable on Malt made in *Ireland* and imported into *Great Britain*, and no more.

Equivalent Drawback on British Malt exported to Ireland.

The Duty of 4s. Part of Countervailing Duty of 14s. per Barrel on British Malt imported into Ireland under 59 G. 3. c. 87. repealed.

II. And be it further enacted, That from and after the Twenty fifth Day of *February* One thousand eight hundred and twenty two, the Sum of Four Shillings *British* Currency on every Barrel of Malt containing Four Bushels *Winchester* Measure made in *Great Britain* and imported from thence into *Ireland*, (Part of the Countervailing Duty of Fourteen Shillings on every such Barrel of Malt granted by an Act made in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, for granting certain Duties of Excise on Malt in *Ireland*, and of the equivalent Drawback on the Exportation from *Ireland* to *Great Britain* of any Malt made in *Ireland*,) shall be repealed, and shall cease and determine, except as to any Arrear thereof; and that from and after the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, there shall be charged for and upon every such Barrel of Malt made in *Great Britain*, and imported from thence after the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, directly into *Ireland*, the Countervailing Duty or Sum of Ten Shillings *British* Currency, and no more, in lieu and full Satisfaction of all Countervailing Duties whatever payable on such Malt under or by virtue of any Act or Acts of Parliament in force in *Ireland*; and that upon the Exportation from *Ireland* to *Great Britain* of any Malt made in *Ireland*, there shall be allowed and given a Drawback equal in Amount to the Countervailing Duty so made payable on Malt made in *Great Britain* and imported into *Ireland*.

New Countervailing Duty, 10s. per Barrel.

Equivalent Drawback on Irish Malt exported to G. B.

'III. And Whereas it is expedient that such Countervailing 'Duties on Beer made in *Ireland* and imported from thence into 'Great Britain, and also such Countervailing Duties on Beer made 'in *Great Britain* and imported from thence into *Ireland*, as have 'heretofore been imposed in respect of the Duty on Malt used 'and consumed in the making of such Beer, should cease and 'determine, and that such Beer should be in future exported from 'each Country to the other without any Drawback in respect of 'the Duty on the Malt used and consumed in the making thereof;' Be it therefore enacted, That from and after the Twenty fifth Day of *February* One thousand eight hundred and twenty two, the Countervailing Duty of Sixteen Shillings and Two Pence upon every

Countervailing Duty of 16s. 2d. per Barrel

every Barrel of Strong Beer, Ale or Mum made in *Ireland*, and imported or brought into *Great Britain* directly from *Ireland*, imposed by the said Act of the Fifty ninth Year of His late Majesty's Reign, for granting certain additional Duties of Excise in *Great Britain*, shall cease and determine, except as to any Arrear thereof; and that the following Countervailing Duty of Excise, in respect of the internal Duty of Excise on Beer made in *Great Britain*, shall be granted, levied, charged, collected and paid; that is to say, for and upon every Barrel consisting of Thirty six Gallons *English* Beer Measure of *Irish* Strong Beer, Ale or Mum, which shall be imported or brought into *Great Britain* directly from *Ireland*, an Excise Countervailing Duty of Nine Shillings and Two Pence, and no more; and that upon the Exportation from *Great Britain* into *Ireland*, after the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, of any Strong Beer, Ale or Mum made in *Great Britain*, there shall be allowed and paid a Drawback equal in Amount to the said Countervailing Duty so payable on Strong Beer, Ale or Mum made in *Ireland* and imported into *Great Britain*, and no more.

on Irish Beer imported into G. B. under 59 G. 3. c. 53. repealed.

New Countervailing Duty of Excise on Irish Beer imported into G. B. in respect of the Excise Duty payable on Beer in G. B. 9s. 2d.

Equivalent Drawback.

IV. And be it further enacted, That from and after the Twenty fifth Day of *February* One thousand eight hundred and twenty two, the Countervailing Duty of Nine Shillings and Nine Pence *British* Currency on every Barrel of Beer or Ale containing Thirty two Gallons, brewed or made in *Great Britain* and imported from thence into *Ireland*, imposed by the said Act made in the Fifty ninth Year of His late Majesty King *George* the Third, for granting certain Duties of Excise on Malt in *Ireland*, and the equivalent Drawback on the Exportation from *Ireland* to *Great Britain* of Beer or Ale made or brewed in *Ireland*, shall be repealed, and shall cease and determine, except as to any Arrears thereof; and the said Countervailing Duty and equivalent Drawback are hereby repealed accordingly.

Countervailing Duty on British Beer imported into Ireland under 59 G. 3. c. 87. repealed.

' V. And Whereas it is expedient that such Part of the Countervailing Duties heretofore payable on Spirits between *Great Britain* and *Ireland*, imported into each Country from the other, as were imposed in respect of the Duty on the Malt used or consumed in the making of such Spirits, should cease and determine, and that no Drawback should in future be allowed on the Export of any such Spirits from either Country to the other, in respect of the Duty on such Malt;' Be it therefore enacted, That from and after the Twenty fifth Day of *February* One thousand eight hundred and twenty two, the Drawback of Six Pence upon every Gallon of Spirits made or distilled in *Ireland* from Corn or Grain malted or unmalted, which shall have been or shall be warehoused in *Ireland*, and which shall be exported from thence to *Great Britain*, for and in respect of the Duty paid on the Malt used and consumed in the making of such Spirits, and which Drawback is made payable by the said Act of the Fifty ninth Year of His late Majesty's Reign, for granting certain Duties of Excise in *Ireland* upon Malt, shall cease and determine, and be no longer paid or payable.

Drawback of 6d. per Gallon, under 59 G. 3. c. 87. on warehoused Spirits exported from Ireland into G. B. repealed.

VI. And be it further enacted, That from and after the Twenty fifth Day of *February* One thousand eight hundred and Twenty two, the Drawback of Six Pence upon every gallon of Spirits extracted in *Great Britain* and exported to *Ireland*, in respect of the Malt

Repeal of Drawback under 59 G. 3. c. 53. on Spirits exported from

G. B. to Ireland.

Malt used and consumed in the Extraction of such Spirits, and which Drawback is made payable by the said Act of the Fifty ninth Year of His late Majesty's Reign, for granting certain additional Duties of Excise in *Great Britain*, shall cease and determine, and be no longer paid or payable.

Countervailing Duty on Irish Spirits imported into G. B. under 1 G. 4. c. 77. repealed.

VII. And be it further enacted, That from and after the Twenty fifth Day of *February* One thousand eight hundred and twenty two, the several Countervailing Duties imposed upon *Irish* Spirits imported or brought from *Ireland* into *England*, or from *Ireland* into *Scotland*, or from *Ireland* into *Scotland* and from *Scotland* into *England*, by an Act made in the First Year of the Reign of His present Majesty, among other things, for continuing several Acts for regulating the Trade in Spirits between *Great Britain* and *Ireland*, shall cease and determine, except as to any Arrear thereof; and that in lieu thereof the following Duties of Excise shall be charged, levied, collected and paid; that is to say,

New Countervailing Duties for Spirits brought into England.

For and upon every Gallon, *English* Wine Measure, of *Irish* Spirits which shall be imported or brought from *Ireland* into *England*, at any Time after the Twenty fifth Day of *February* One thousand eight hundred and twenty two, at a Strength not exceeding Seven *per Centum* above Hydrometer Proof, and so in Proportion for any greater Degree of Strength not exceeding Twenty one *per Centum* above Hydrometer Proof, an Excise Countervailing Duty of Ten Shillings and Six Pence:

For Spirits brought into Scotland.

For and upon every Gallon, *English* Wine Measure, of *Irish* Spirits which shall be imported or brought from *Ireland* into *Scotland*, at any time after the said Twenty fifth Day of *February*, at a Strength not exceeding Seven *per Centum* above Hydrometer Proof, and so in Proportion for any greater Degree of Strength not exceeding Twenty one *per Centum* above Hydrometer Proof, an Excise Countervailing Duty of Five Shillings and Six Pence:

For Spirits brought into Scotland and thence into England.

And for and upon every Gallon, *English* Wine Measure, of *Irish* Spirits which shall be imported or brought from *Ireland* into *Scotland* at any time after the said Twenty fifth Day of *February*, and from *Scotland* into *England*, at a Strength not exceeding Seven *per Centum* above Hydrometer Proof, an Excise Countervailing Duty of Five Shillings.

Countervailing Duty on British Spirits imported into Ireland under 59 G. 3. c. 87. repealed.

VIII. And be it further enacted, That from and after the Twenty fifth Day of *February* One thousand eight hundred and twenty two, the Countervailing Duty of Six Shillings, imposed upon Spirits made or distilled in *Great Britain*, and imported into *Ireland* from *Great Britain*, by the said Act of the Fifty ninth Year of His late Majesty's Reign, for granting Duties of Excise in *Ireland* on Malt, shall cease and determine, except as to any Arrears thereof; and that in lieu thereof the following Countervailing Duty shall be charged, levied, collected and paid; that is to say, for and upon every Gallon, *Irish* Wine Measure, of Spirits which shall be made or distilled in *Great Britain*, and which shall be imported into *Ireland* from *Great Britain*, at a Strength not exceeding Twenty one *per Centum* above Proof, the Sum of Five Shillings and Six Pence *British* Currency, and so in Proportion for any less Degree of Strength, not being less than Seven *per Centum* above Proof.

New Countervailing Duty.

Duties and Drawbacks

IX. And be it further enacted, That the several Duties and Drawbacks by this Act declared to be payable, shall be raised, levied,

levied, collected, paid, sued for, recovered and applied in such Manner, and under such Powers and Authorities, and by such Ways and Methods, and according to such Rules and Directions, and under such Penalties and Forfeitures, as are appointed, directed and expressed for the raising, collecting, paying, levying, allowing and managing any Duties or Drawbacks, or for the Recovery of any Penalties or Forfeitures, in and by an Act made in *Ireland* in the Fourteenth or Fifteenth Years of His late Majesty King *Charles* the Second, intituled *An Act for settling the Excise or new Impost upon His Majesty, His Heirs or Successors, according to the Book of Rates therein inserted;* or in and by an Act made in the Forty sixth Year of His present Majesty's Reign, intituled *An Act to provide for the better Execution of the several Acts relating to the Revenues, Matters and Things under the Management of the Commissioners of Customs and Port Dutics, and of the Commissioners of Inland Excise and Taxes, in* Ireland; or by any other Act or Acts in Force in *Ireland*, relating to the Revenue of Customs and Excise, or either of them, as fully and effectually to all Intents and Purposes as if the same were herein expressed and enacted, with the like Remedy of Appeal to and for the Party or Parties aggrieved as in and by the said recited Act made in the Fourteenth and Fifteenth Years of His late Majesty King *Charles* the Second, or by any other Act or Acts as aforesaid, is provided; and that all and every Act and Acts in *Ireland* relating to the said Duties, and all Powers, Rules and Regulations, Penalties, Clauses, Matters and Things therein contained, shall extend and be construed to extend to the raising, levying and collecting the Duties and Drawbacks by this Act declared to be payable, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in this Act.

how to be levied, paid and recovered.

Irish Act, 14 & 15 C. 2. c. 8.

46 G. 3. c. 106.

X. And be it further enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered, &c. this Session.

CAP. XXXII.

An Act for Repealing the Duties on Plain Silk Net or Tulle, and for granting new Duties in lieu thereof.

[24th *May* 1822.]

'WHEREAS it is expedient that the Duties of Customs payable on the Importation of plain Silk Lace called Net or Tulle from Foreign Countries into *Great Britain* should be repealed, and that other Duties should be imposed in lieu thereof:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the Duties of Customs payable by Law upon the Importation into *Great Britain* of plain Silk Lace called Net or Tulle from Foreign Countries shall cease and determine, save and except in all Cases relating to the Recovery or paying any Arrears thereof which may remain unpaid, or to any Fine Penalty or Forfeiture relating thereto, which shall have been incurred at any Time before the

59 G. 3. c. 52. Tab. A. inwards.

Duties of Customs on Importation of plain Silk Net or Tulle to cease; and in lieu thereof a Duty of 2s. on

every Square Yard.

the passing of this Act; and that from and after the passing of this Act, in lieu and instead of the Duties hereby repealed, there shall be raised, levied, collected and paid unto His Majesty, His Heirs and Successors, a Duty of Two Shillings on every Square Yard of such plain Silk Lace called Net or Tulle.

Duties under Management of Commissioners of Customs.

II. And be it further enacted, That such of the said Duties as shall arise in that Part of *Great Britain* called *England*, shall be under the Management of the Commissioners of Customs in *England* for the time being, and such thereof as shall arise in that Part of *Great Britain* called *Scotland*, shall be under the Management of the Commissioners of the Customs in *Scotland* for the time being.

How to be levied.

III. And be it further enacted, That the said Duties shall be managed, ascertained, raised, levied, collected, paid and recovered, in such and the like manner as any Duties of Customs of a like Nature are managed, ascertained, raised, levied, collected, paid and recovered, and under and subject to the several Powers, Conditions, Rules, Regulations, Restrictions, Penalties and Forfeitures of any Act or Acts of Parliament now in Force in relation to or made for securing the Revenue of Customs in *Great Britain*; and all Pains, Penalties, Fines and Forfeitures for any Offences whatever, committed against or in Breach of any Act or Acts of Parliament in force on or immediately before the passing of this Act, made for securing the Revenue of Customs, or for the Regulation or Improvement thereof, and the several Clauses, Powers and Directions therein contained, shall be in full Force and Effect as to the said Duties, as fully and effectually to all Intents and Purposes as if they were at large repeated and re-enacted in this Act.

Former Acts in force.

Application of Monies.

IV. And be it further enacted, That all Monies from time to time arising from the said Duties (the necessary Charges of raising and accounting for the same respectively excepted) shall from time to time be paid into the Receipt of His Majesty's Exchequer at *Westminster*, and shall be appropriated and applied in same manner as the Duties imposed by an Act passed in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the several Duties of Customs chargeable in* Great Britain, *and to grant other Duties in lieu thereof*, are directed to be appropriated and applied.

59 G. 3. c. 52.

CAP. XXXIII.

An Act for altering and amending several Acts passed in the First and Ninth Years of the Reign of King *George* the First, and in the Forty first, Fifty second, Fifty sixth, and Fifty seventh Years of the Reign of his late Majesty King *George* the Third, so far as the same relate to the Recovery of Damages committed by riotous and tumultuous Assemblies and unlawful and malicious Offenders. [24th *May* 1822.]

27 Eliz. c. 13.
1 G. 1. stat. 2. c. 5. § 6.

'WHEREAS an Act was passed in the Twenty seventh 'Year of the Reign of Her late Majesty Queen *Elizabeth*, 'intituled *An Act for the following of Hue and Cry:* And 'Whereas by one other Act, passed in the First Year of the Reign 'of His late Majesty King *George* the First, intituled *An Act for*

'*preventing*

'*preventing Tumults and Riotous Assemblies, and for the more* '*speedy and effectual punishing the Rioters*, it is enacted, that if 'any Church, Chapel or any Building for religious Worship, cer- 'tified and registered as therein directed, or any Dwelling House, 'Barn, Stable or Outhouse, should be demolished or pulled down, 'wholly or in part, by any Person or Persons so unlawfully, riot- 'ously and tumultuously assembled as therein described, such 'Damages should be recovered from the Inhabitants of the Hun- 'dred in which such Damages should have been done; and in 'case such Damages should have been done in any City or Town 'that is either a County of itself, or not within any Hundred, then 'such Damages should be recovered from the Inhabitants of such 'City or Town, by an Action to be brought in any of His Majesty's 'Courts of Record at *Westminster*, by the Person or Persons so 'damnified, and the same were directed to be raised and levied in 'manner provided by the said recited Act made in the Twenty 'seventh Year of the Reign of Queen *Elizabeth*: And Whereas 'by one other Act, made in the Ninth Year of the Reign of King '*George* the First, intituled *An Act for the more effectual punishing* 9 G. 1. c. 22. '*wicked and evil disposed Persons going armed in disguise, and doing* § 7. '*Injuries and Violence to the Persons and Properties of His Ma-* '*jesty's Subjects, and for the more speedy bringing the Offenders* '*to Justice*, it is enacted, that from and after the First Day of *June* 'One thousand seven hundred and twenty three, the Inhabitants of 'every Hundred within that Part of *Great Britain* called *England* 'shall make full Satisfaction and Amends to all and every the Per- 'son and Persons, their Executors and Administrators, for the 'Damages they shall have sustained or suffered by the killing or 'maiming of any Cattle, cutting down or destroying any Trees, or 'setting fire to any House, Barn or Outhouse, Hovel, Cock, Mow 'or Stack of Corn, Straw, Hay or Wood, which shall be com- 'mitted or done by any Offender or Offenders against that Act; 'and that every Person and Persons who should sustain Damages 'by any of the Offences last mentioned were enabled to sue for 'and recover such his or their Damages, the Sum to be recovered 'not exceeding the Sum of Two hundred Pounds, against the In- 'habitants of the Hundred; and if such Person or Persons should 'recover in such Actions, the Damages were directed to be levied 'and raised by such Ways and Means and in manner prescribed by 'the said recited Act made in the Twenty seventh Year of the 'Reign of Queen *Elizabeth*: And Whereas by one other Act 'made in the Forty first Year of the Reign of His late Majesty. 'King *George* the Third, intituled *An Act for the indemnifying of* 41 G. 3. c. 24. '*Persons injured by the forcible pulling down and demolishing of* U. K. '*Mills, or of Works thereunto belonging, by Persons unlawfully* '*and riotously assembled*, it is enacted, that if any Wind Saw. 'Mill or other Wind Mill, or any Water Mill or other Mill, or 'any of the Works thereunto belonging, shall be demolished or 'pulled down, wholly or in part, by any Persons unlawfully, riot- 'ously and tumultuously assembled as therein described, then the 'Damages sustained by the Person or Persons injured or damnified 'thereby should be sued for, recovered, levied, raised and re- 'imbursed in such Manner and Form, and by such Ways and 'Means, as are provided, directed or referred to by the said Act

'made

' made in the First Year of the Reign of King *George* the First,
' in respect to the several Descriptions of Buildings therein men-
' tioned: And Whereas by one other Act, made in the Fifty
' second Year of the Reign of His said late Majesty King *George*
52 G. 3. c. 130. ' the Third, intituled *An Act for the more effectual Punishment of*
§ 2. ' *Persons destroying the Properties of His Majesty's Subjects,*
' *and enabling the Owners of such Properties to recover Damages*
' *for the Injury sustained*, it is enacted, that if any Person or
' Persons unlawfully, riotously and tumultuously assembled toge-
' ther, to the Disturbance of the public Peace, shall unlawfully and
' with force demolish or pull down, or begin to demolish or pull
' down, any Erection and Building or Engine which shall be used
' or employed in carrying on or conducting of any Trade or Ma-
' nufactory, or any Branch or Department of any Trade or Manu-
' factory of Goods, Wares or Merchandize of any Kind or Descrip-
' tion whatsoever, or in which any Goods, Wares or Merchandize
' shall be warehoused or deposited, then that the Person or Per-
' sons injured or damnified thereby should recover the Value of
' such Erection, Building or Engine, and of the Machinery belong-
' ing thereto so destroyed, or the Damage done thereto, and such
' Value and Damage are directed to be recovered, levied, raised
' and reimbursed in such Manner and by such Ways and Means
' as are provided, directed or referred to by the said Act, made in
' the First Year of the Reign of King *George* the First, in re-
' spect to the several Descriptions of Buildings therein mentioned:
' And Whereas by One other Act made in the Fifty sixth Year
' of the Reign of His said late Majesty King *George* the Third,
56 G. 3. c. 125. ' intituled *An Act for the more effectual Punishment of Persons*
' *riotously destroying or damaging Buildings, Engines and Machinery*
' *used in and about Collieries and other Mines, Waggon Ways,*
' *Bridges and other Works used in conveying and shipping Coals*
' *and other Minerals, and for enabling the Owners of such Pro-*
' *perty to recover Damages for the Injury sustained*, it is enacted,
§ 1. ' that if any Person or Persons unlawfully, riotously and tumul-
' tuously assembled together, in disturbance of the Public Peace,
' shall unlawfully and with Force demolish, pull down, destroy or
' damage, or begin to demolish, pull down, destroy or damage, any
' Fire Engine or other Engine erected or to be erected for making,
' sinking or working Collieries, Coal Mines or other Mines, or
' any Bridge, Waggon Way or Trunk erected or made, or to be
' erected or made for conveying Coals or other Minerals from
' any Colliery, Coal Mine or other Mine, to any Place, or for
' shipping the same or any Staith or other Erection or Building
' for depositing Coals or other Minerals, or used in the Manage-
' ment or conducting of the Business of any such Colliery, Coal
' Mine or other Mine, whether the same Engines, Bridges, Wag-
' gon Ways, Trunks, Staiths, Erections and other Buildings or
' Works shall be respectively completed and finished, or only
' begun to be set up, made and erected, then that the Person
' or Persons injured or damnified thereby shall be entitled to
' recover the Value of the Property so destroyed or damaged, and
' the Amount of the Damages done; and such Value or Damage is
' to be recovered, levied, raised and reimbursed in such Manner
' and Form, and by such Ways and Means, as are provided,

' directed

'directed or referred to in the said recited Act, made in the First 'Year of the Reign of King *George* the First, in respect of the 'several Descriptions of Buildings therein mentioned: And Where- 'as by One other Act, passed in the Fifty seventh Year of the 'Reign of His late Majesty King *George* the Third, intituled *An* 57 G. 3. c. 19. '*Act for the more effectually preventing Seditious Meetings and* § 38. '*Assemblies*, it is (amongst other Things) enacted, that in every 'Case where any House, Shop or other Building whatever, or any 'Part thereof, shall be destroyed or shall be in any manner da- 'maged or injured, or where any Fixtures thereto attached, or any 'Furniture, Goods or Commodities whatever which shall be therein 'shall be destroyed, taken away or damaged, by the Act or Acts 'of any riotous or tumultuous Assembly of Persons, or by the 'Act or Acts of any Person or Persons engaged in or mak- 'ing Part of such riotous or tumultuous Assembly, the Inhabi- 'tants of the City or Town in which such House, Shop or Build- 'ing shall be situate, if such City or Town shall be a County of 'itself or is not within any Hundred, or otherwise the Inhabitants 'of the Hundred in which such Damage shall be done shall be 'liable to yield full Compensation in Damages to the Person or 'Persons injured or damnified by such Destruction, taking away 'or Damage; and such Damages shall and may be demanded, sued 'for and recovered by the same Means and under the same Provi- 'sion as are provided in and by the said recited Act, passed in the 'First Year of King *George* the First, with respect to Persons in- 'jured or damnified by the demolishing or pulling down of any 'Dwelling House by Persons unlawfully, riotously and tumultu- 'ously assembled: And Whereas great expences are incurred in 'recovering a Compensation for small Damages by proceeding 'under Actions at Law, in compliance with the Directions of the 'said recited Acts, the Costs greatly exceeding, in many Instances, 'the Amount of the Damages: And Whereas for the Relief of the 'Inhabitants of several Cities, Towns, Cinque Ports, Ancient Towns, 'Corporate Towns, Hundreds, Rapes, Wapentakes, Lathes, Ridings, 'Divisions and Liberties in which such Mischief may be done by 'riotous and disorderly Persons or may be done unlawfully and 'maliciously, it will be attended with great public Benefit, that 'the Damages not exceeding a certain Amount shall be recovered 'by a shorter and more summary Process than as directed by the 'said recited Acts;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall not be lawful for any Person or Persons whomsoever in *England*, where the Loss, Injury or Damage claimed and alleged to have been sustained shall not exceed the Sum of Thirty Pounds, to commence, bring or prosecute any Action or Actions at Law in any of His Majesty's Courts of Record, against the Inhabitants of the City, Town, Cinque Port, Ancient Town, Corporate Town or Liberty of any Cinque Port, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, where such Loss, Injury or Damage shall have been done or committed, as directed by the said recited Acts respectively, for or on account of the Loss, Injury or Damage sustained by the demolishing

No Action to be brought against the Inhabitants of any Place in respect of the pulling down, damaging, &c. Churches, Chapels, Dwelling Houses and other Edifices,

herein mentioned, by Persons tumultuously assembled, unless Damage exceed 30l.

ing, pulling down, destroying or damaging, wholly or in part, of any Church, Chapel or any Building for Religious Worship duly certified and registered, or any Dwelling House, Barn, Stable or Outhouse, by any Persons unlawfully, riotously and tumultuously assembled; or for or on account of any Loss, Injury or Damage sustained by the demolishing or pulling down, wholly or in part, of any Wind Saw Mill or other Wind Mill, or any Water Mill or other Mill, or any of the Works thereunto belonging, by any Persons unlawfully, riotously and tumultuously assembled; or for or on account of the Loss, Injury or Damage sustained by the unlawfully and with force demolishing or pulling down, or beginning to demolish or pull down any Erection and Building or Engine used or employed in carrying on or conducting of any Trade or Manufactory, or any Branch or Department of any Trade or Manufactory of Goods, Wares or Merchandizes of any Kind or Description whatsoever, in which any Wares, Goods or Merchandize shall be warehoused or deposited, by any Person or Persons unlawfully, riotously and tumultuously assembled together, to the Disturbance of the Public Peace; or for or on account of the Loss, Injury or Damage sustained by the unlawfully and with force demolishing, pulling down, destroying or damaging any Fire Engine or other Engine erected or to be erected for the making, sinking or working Collieries, Coal Mines or other Mines, or any Bridge, Waggon Way or Trunk erected or made, or to be erected or made, for conveying Coals or other Minerals from any Colliery, Coal Mine or other Mine, to any Place, or for shipping the same or any Staith or other Erection or Building for depositing Coals or other Minerals, or used in the Management or conducting of the Business of any such Colliery, Coal Mine or other Mine, by any Person or Persons unlawfully, riotously and tumultuously assembled together, in Disturbance of the Public Peace; or for or on account of any House, Shop or other Building whatsoever, or any Part thereof, being destroyed or in any manner damaged or injured, or any Fixtures thereto attached, or any Furniture, Goods or Commodities which shall be therein being destroyed, taken away or damaged, by the Act or Acts of any riotous or tumultuous Assembly of Persons, or by the Act or Acts of any Person or Persons engaged in or making Part of such riotous or tumultuous Assembly; or for or on account of the Loss, Injury or Damage sustained by the unlawfully or maliciously killing or maiming of any Cattle, cutting down or destroying any Trees, setting fire to any House, Barn or Outhouse, Hovel, Cock, Mow or Stack of Corn, Straw, Hay or Wood; or for or on account of the Loss, Injury or Damage sustained by the setting fire to or destroying any Ricks or Thrashing Machines, by the Act or Acts of any riotous or tumultuous Assembly of Persons; but that the Amount of such Damage or Injury shall and may be recovered only by the Ways and Means hereinafter directed.

Where Damage is sustained, and shall not exceed 30l. the Parties injured to give Notice within One Month to

II. And be it further enacted, That in every Case in *England* where any House, Shop or other Building whatever, or any Part thereof, shall be destroyed, or shall be in any manner damaged or injured, or where any Fixtures thereto attached, or any Furniture, Goods or Commodities whatsoever which shall be therein, shall be destroyed, taken away or damaged, or any Church, Chapel or

or any Building for Religious Worship, Dwelling House, Barn, Stable or Outhouse, or any such Wind Saw Mill or other Wind Mill, or any Water Mill or other Mill, or any of the Works thereto belonging, or any such Erection or Building or Engine, or any such Fire Engine or other Engine, erected or to be erected as aforesaid, or any such Bridge, Waggon Way or Trunk, or any such Staith or other Erection or Building for depositing Coals or other Minerals as aforesaid, so pulled down, demolished, destroyed or damaged, wholly or in part; or any such killing or maiming of any Cattle, cutting down or destroying any Trees, setting fire to any House, Barn or Outhouse, Hovel, Cock, Mow or Stack of Corn, Straw, Hay or Wood, done or committed, or setting fire to or destroying any Ricks or Thrashing Machines; and where the Loss, Injury or Damage claimed or alleged to have been sustained, shall not exceed in Amount the Sum of Thirty Pounds, it shall and may be lawful for the Party or Parties damnified or injured, and he, she and they are hereby directed, within One Calendar Month next after such Damage or Injury shall have been sustained, to give Notice in Writing, in the Form in the Schedule hereunto annexed, to the High Constable of the Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, or to the Mayor or other Chief Magistrate of such City, Town or Place in which such Loss, Injury or Damage shall have been suffered or sustained, and where there is no High Constable, to the Churchwardens or Overseers, or to any Two substantial Householders not being interested, or left at their respective last or usual Places of Abode, of such riotous or tumultuous Assembly having taken place, and the Nature and Amount of the Loss, Injury or Damage sustained, and of his, her and their Intention of calling upon the Inhabitants of such City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, to make good such Loss, Injury or Damage; and the said High Constable, Mayor or other Chief Magistrate, Churchwardens or Overseers, or Inhabitants, as the Case may be, is and are forthwith to give Notice in Writing thereof to the Magistrates residing in or acting for such City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, who shall thereupon appoint a Special Petty Session to be holden within Thirty Days next after the Receipt of such Notice, of all the Magistrates residing in or acting for such City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, to hear and determine of any Complaint which may be then and there brought before them, for or on account of any such Damage or Injury having been sustained by or through the Means aforesaid; and the Party or Parties so damnified and injured is and are hereby directed to give Notice, or cause a Notice in Writing, in the Form in the Schedule hereunto annexed, to be placed on the Church or Chapel Door, or most conspicuous Place of the Parish, Township or Place in which such Loss, Injury or Damage shall have been sustained, on Two successive *Sundays* next preceding the Day of holding of such Special Petty Session, of the Intent and Purpose for which such Special Petty Session is to be held.

the High Constable, Mayor, or Chief Magistrate;

who are thereupon to give Notice in writting to the Magistrates, who are to summon a Petty Session.

Notice by Party of Special Petty Session placed on Church Door, &c.

III. Provided always, and be it further enacted, That in case the High Constable, Mayor or other Chief Magistrate, Churchwardens,

High Constable, &c. ne-

glecting to give Notice, may be sued for Damages.

wardens, Overseers or substantial Householders aforesaid, shall neglect or refuse to give such Notice as last hereinbefore directed and required, then it shall and may be lawful to and for the Party or Parties so damnified to sue such High Constable, Mayor or other Chief Magistrate, Churchwardens, Overseers or substantial Householders (as the Case may be), for the Amount of such Damages, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, Wager of Law or more than one Imparlance shall be allowed.

Power of Magistrates in such Petty Session.

IV. And be it further enacted, That it shall and may be lawful to and for the Justices, or any Two of them, at such Special Petty Session, or any Adjournment thereof, in *England*, to hear and examine the Party or Parties aggrieved, and the Churchwardens or Overseers or Inhabitants of the Parish, Township or Place, and his or their several Witnesses, upon Oath or Affirmation (which Oath or Affirmation the said Justices are hereby authorized and empowered to administer), touching or concerning such riotous and tumultuous Assembly, and the Damage thereby sustained; and

Justices may order Damages to be paid;

thereupon the said Justices, or any Two of them, shall, if they find that the Complainant or Complainants hath or have suffered any Loss, Injury or Damage by the Means aforesaid, make an Order or Adjudication of the Sum or Sums of Money to be paid to the Party or Parties aggrieved, together with his, her or their reasonable Costs and Charges, and also the Costs and Charges (if any) of the High Constable, Churchwardens, Overseers or Inhabitants, to be allowed by such Justices, and to direct such Sum or Sums to be

and raised as herein mentioned.

raised in the manner in which it is at present raised, or if not, to direct such Order or Orders to the Treasurer of the County, City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, or where there shall be no Treasurer of any such City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, then to the Treasurer of the County, who, on the Receipt of such Order or Orders, is hereby authorized and required forthwith to pay such Sum or Sums of Money as shall be therein respectively mentioned, to the Party or Parties to whom he shall be directed to pay the same, and such Treasurer shall be allowed the same in passing his Accounts; and the Justices of the Peace, at their then next General or Quarter Sessions of the Peace to be holden for such County, or any Adjournment thereof, shall order and direct such Sum or Sums of Money as shall have been paid by such Treasurer, under or by virtue of such Order or Orders, to be raised on the City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, in which such Damage or Injury shall have been sustained, over, above and in addition to the County Rate to be paid by such City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, in common with the rest of such County; or where any such City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, shall not be liable to contribute to the general Rate for the County, then such Sum or Sums of Money as shall have been paid by such Treasurer, shall be raised by such Ways and Means and in the same manner as County Rates are directed to be raised by the Act passed in the Twelfth Year of the Reign of His late Majesty King *George*

Quarter Sessions to direct such Money as has been paid by Treasurer of County, to be raised and paid in addition to County Rate, or otherwise, as directed by 12 G. 2. c. 29.

George the Second, intituled *An Act for the more easy assessing, collecting and levying County Rates*, and shall be forthwith repaid to such Treasurer.

Magistrates may issue Summons for Witnesses.

V. And be it further enacted, That it shall and may be lawful to and for any Justice or Justices of the Peace in *England*, at any Time or Times, to issue a Summons under his or their Hand and Seal, or Hands and Seals, to any Person or Persons whomsoever, to attend as a Witness or Witnesses, and to give Evidence, upon Oath or Affirmation, before such Justices assembled at such Special Petty Session, or any Adjournment thereof, touching any Matter of Fact contained in any Information or Complaint then and there made, whether on the Behalf of the Party aggrieved, or such Churchwardens or Overseers or Inhabitants as aforesaid, and which Summons such Justice or Justices as aforesaid are hereby required to grant, if thereunto required; and if such Person or Persons so summoned as aforesaid, upon being paid or tendered such Sum for his, her or their Costs and Charges, Trouble and Attendance, as the said Justice or Justices shall think reasonable, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without such Excuse for such his, her or their Refusal or Neglect, as shall be approved by such Justice or Justices, or appearing shall refuse to be examined on Oath or Affirmation, or to give Evidence before such Justices, then and in every such Case, every such Person shall forfeit for every such Offence any Sum not exceeding Ten Pounds, as in the Discretion of such Justices shall seem proper; which Penalty shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace, acting in and for such City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty; which Warrant such Justice is hereby empowered and required to grant, at the Request of the Party or Parties aggrieved, or such Churchwardens or Overseers or Inhabitants as aforesaid; and the Penalty or Forfeiture, when recovered, after rendering the Overplus (if any), upon Demand, to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall be paid to such Churchwardens and Overseers of the Poor, or Inhabitants, for the Use and Benefit of the Poor of the Parish, Township or Place in which such Damage or Injury shall have been done; and in case sufficient Distress shall not be found, or such Penalty or Forfeiture shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalty and Forfeiture, and all reasonable Charges, shall be sooner fully paid and satisfied.

Witnesses being paid or tendered Expenses not appearing, &c.

Penalty.

Application of Penalty.

Inhabitants may suffer Judgment to go by Default.

VI. Provided always, and be it further enacted, That in any Action or Actions hereafter to be brought in *England* against the Inhabitants of any City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, under or by virtue of any or either of the before re-

cited Acts of Parliament, it shall and may be lawful for the Defendants in such Action or Actions, by and with the Consent and Approbation of One or more of the Justices of the Peace acting in and for the Parish, Township or Place in which the Damages shall be alleged by the Plaintiffs in such Actions to have been sustained, to suffer Judgment to go by Default, instead of appearing and defending the same, as directed by the said recited Acts; but the Plaintiffs in such Actions shall nevertheless be required to produce the same Proof before the Sheriff or other Officer taking the Inquisition, in establishing his Claim, as would be required if such Actions had been defended; and that in taxing the Costs, no more Witnesses shall be allowed for, than the Sheriff or other Officer shall certify to have been necessary to the Support of the Plaintiff's Case; any thing herein or in the said recited Acts contained to the contrary thereof notwithstanding.

But Plaintiff nevertheless to establish his Claim by Proof.

Appeal to Quarter Sessions.

VII. Provided always, and be it further enacted, That if any Person or Persons in *England* shall think himself, herself or themselves aggrieved by any thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at their then next General Quarter Session of the Peace to be holden for such County, or at any Adjournment thereof, the Person or Persons appealing having first given at least Ten Days' Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons so appealed against, and within Two Days after such Notice shall have been given, having entered into a Recognizance before some One Justice for such City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, with Two sufficient Sureties, conditioned to appear and try such Appeal, and to abide the Order of, and to pay such Costs as shall be awarded by the Justices at such General Quarter Session, or any Adjournment thereof; and the said Justices at such Quarter Session, upon due Proof of such Notice in Writing being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matter of such Appeal in a Summary Way, and award such Costs to the Party so appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding and conclusive, to all Intents and Purposes.

Notice.

Recognizance.

Costs.

Determination final.

Distress not unlawful for Want of Form.

VIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on the Behalf of the Party distraining before such Action brought.

Action for Damages.

IX. And

IX. And be it further enacted, That all Justices of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or to the like effect: Form of Conviction.

'City or County of to wit. } BE it remembered, That on the Day of in the Year of the Reign of His Majesty
'*A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the said [County, City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division *or* Liberty, *as the Case may be*,] by virtue of an Act made in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of the Act, and specify the Offence, and the Time and Place when and where the same was committed, as the Case may be*]. Given under my Hand and Seal, the Day and Year aforesaid.'

'X. And Whereas it is provided by the said recited Act, passed in the First Year of the Reign of His Majesty King *George* the First, that all Prosecutions for repairing the Damages of any Church or Chapel, or any Building for Religious Worship, or any Dwelling House, Barn, Stable or Outhouse, which shall be demolished or pulled down, in Whole or in Part, within *Scotland*, by any Persons unlawfully, riotously or tumultuously assembled, should and might be by Summary Action at the Instance of the Party aggrieved, his or her Heirs or Executors, against the County, City or Burgh respectively; and it is expedient that the said Provisions should be altered and amended, and farther Provisions made for the Relief of Persons injured or damnified by any unlawful, riotous or tumultuous Assembly in *Scotland*;' Be it therefore enacted, That in every Case where any Damage or Injury shall be done to any Church, Chapel or Building for Religious Worship, or to any House, Shop or other Building whatsoever, or any Fixtures attached thereto, or any Furniture, Goods or Commodities therein, by the Act or Acts of any unlawful, riotous or tumultuous Assembly of Persons, or by the Act or Acts of any Person or Persons engaged in or making Part of such unlawful, riotous or tumultuous Assembly, the Party injured or damnified thereby shall be entitled to recover full Compensation for the Loss or Injury, by summary Action against the Town Clerk of the City or Burgh within which the Loss or Injury shall have been sustained, or the Clerk of Supply of the County or Stewartry wherein the Loss or Injury shall have been sustained, if the same shall not have been within any City or Burgh; which Action shall and may be brought before the Justices of the Peace acting in Execution of an Act passed in the Thirty ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more easy and expeditious Recovery of Small Debts, and determining small Causes in that Part of* Great Britain *called* Scotland, subject to all the Provisions of the said Act, where the Sum claimed shall not exceed Five Pounds, and shall and may be brought before the Judge Ordinary where the Amount claimed shall exceed that Sum. Proviso for recovering Damages sustained in Scotland. 39 & 40 G. 3. c. 46.

Proceeding after Decree in Scotland, and Mode of Assessment.

XI. And be it enacted, That it shall and may be lawful for the Pursuer of any such Action in *Scotland*, so soon as he or she shall have obtained a final Decree therein, to lodge an Extract thereof with the Clerk of Supply of the County or Stewartry, or with the Town Clerk of the City or Burgh, as the Case may be; and the said Clerk of Supply or Town Clerk shall intimate the same forthwith to the Convener of the Commissioners of Supply or acting Chief Magistrate respectively, and the said Convener or acting Chief Magistrate is hereby authorized and required to summon a Meeting of the Commissioners of Supply of the County or Stewartry, or of the Magistrates of the City or Burgh, as the Case may be, to be holden within Six Calendar Months after receiving Intimation as aforesaid, who are hereby authorized and required so to meet, and to make an Assessment for the Payment of every Sum so decreed for, in manner following; that is to say, by the Commissioners of Supply so assembled, upon the Land, according to the valued Rent thereof, and upon the Houses situated therein, not being within any City or Burgh, according to the actual or real Rent of such Houses, to be paid by the Occupiers of such Land and Houses respectively, so that for every Shilling levied in respect of such valued Rent, there shall be levied One Penny for and in respect of such actual Rent of such Houses; and in any City or Burgh wherein any such Assessment shall be required, the same shall be made by the Magistrates so assembled upon the actual or real Rent of Houses within the same, to be paid by the Occupier thereof, according to a per Centage to such Amount as shall be necessary to pay every such Sum so decreed for.

Expence and Mode of Collection in Scotland.

XII. And be it enacted, That it shall and may be lawful for such Magistrates and such Commissioners of Supply as aforesaid respectively, to add to the Amount of every such Assessment such Sum of Poundage as shall be usually paid at the Time to the Collector of the Cess in such County or Stewartry, or in such City or Burgh, for and in respect of their respective Collections; and every Assessment so made shall be forthwith collected therefrom, and by means thereof every such Claim of Damage or Injury, according to the Amount thereof decerned for as aforesaid, shall be paid by the Collector, as soon as conveniently may be, to the Person or Persons entitled thereto; and if any such Assessment shall not be paid by any Person liable therein within Six Days after the same shall have been demanded by such Collector, the same shall and may be recovered by a Poinding and Sale of the Goods and Effects of the Defaulter, upon the Warrant of any Two Justices of the Peace of the County or Stewartry, or any Two of the Magistrates of the City or Burgh, wherein the same may be, upon the Oath of the Collector, who is hereby authorized, upon such Warrant, to cause so much of the Goods and Effects as may be necessary to be apprized and sold within Ten Days after the Date of every such Warrant; and after paying the Amount of such Assessment, with the Expences attending such Poinding and Sale, such Collector shall account for the Overplus, if any be, to the Owner or Owners of such Goods or Effects.

Proviso for Omission by Town Clerk, &c.

XIII. And be it enacted, That in case any Clerk of Supply, Town Clerk, Convener, Chief Magistrate, Commissioners of Supply or Magistrates, or any Collector, shall omit or neglect to do what

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is herein required of such Persons respectively, it shall and may be lawful for any Party aggrieved to apply by summary Complaint to the Court of Session, which Court is hereby directed, in such Case, to do therein as to such Court shall seem just.

Damage to a Church.

XIV. And be it enacted, That in the Case of any such Damage or Injury done to any Church, Chapel or Building for Religious Worship, in *Scotland*, every such Compensation shall and may be recovered in the Name of the Clergyman or Minister officiating therein.

Limitation of Action.

XV. And be it enacted, That every Action for any Claim of Damage under this Act in *Scotland* shall be commenced within One Calendar Month after the Damage shall have been done or Injury suffered, otherwise the Person claiming such Damage shall not be entitled to relief under this Act.

Not to extend to Ireland.

XVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to that Part of the United Kingdom called *Ireland*.

Act may be altered, &c. in the present Session.

XVII. And be it further enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHEDULES referred to by this Act.

SCHEDULE (A.)

FORM of Notice to the High Constable, Mayor, or other Chief Magistrate, or Principal Inhabitant, Churchwardens, Overseers or Substantial Householders, for summoning a Petty Sessions of Magistrates.

To the High Constable, *etc.* (*as the Case may be.*)

City or County of } I DO hereby give you Notice to summon a
to wit. } Special Session or Petty Session of the Magistrates residing in or acting for [*here specify the City, Hundred or Place, as the Case may be,*] on or before [*here specify the Time, the same to be within Thirty Days after the Receipt of the Notice*], for the Purpose of hearing and determining the Complaint which shall then and there be brought before them, for or on account of the Damages sustained by me through or by means of [*here state the means*], on the Day of last. Given under my Hand this Day of in the Year .

(Signed) *A. B.*

SCHEDULE (B.)

FORM of Notice to be placed on the Church or Chapel Door, or other conspicuous Part of the Parish, Township or Place, (*as the Case may be*).

City or County of } I DO hereby give Notice that Application
to wit. } will be made by me to the Magistrates for the at a Special or Petty Session to be holden for the Purpose of hearing and determining the Amount of the Damages or Injury sustained by me by or through the means [*state the means*], on the Day of in the Parish, Township or Place, (*as the Case may be*). Given under my Hand, this Day of .

(Signed) *A. B.*

CAP. XXXIV.

An Act for the Employment of the Poor in certain Districts in *Ireland*. [24th *May* 1822.]

'WHEREAS the advancing of Money for the carrying on 'Public Works may at this Time afford the most effectual 'means of relieving and employing the Poor in certain Districts 'in *Ireland*;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act, in all Cases where any Sum or Sums of Money shall have been presented at the Spring Assizes for this present Year One thousand eight hundred and twenty two, by the Grand Jury of any County, or County of a City, or County of a Town in *Ireland*, to be raised off such County, County of a City or County of a Town, for the making or repairing of any Road or Roads, or the carrying on of any Public Work, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, upon any Application to be made to him or them for that Purpose, and whenever he or they shall think fit and proper, to direct by his or their Warrant or Warrants, that any Sum or Sums of Money not exceeding in the whole the Amount of such Presentment, shall be advanced and paid out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, arising in *Ireland*, to be applied in paying for the making or repairing any Part of such Road or Roads, or for the carrying on of any Public Work for which any such Presentment shall have been made, under the Regulations hereinafter mentioned and contained.

Lord Lieutenant may direct that Sums not exceeding Amount of Presentments for carrying on Public Work may be paid out of Consolidated Fund of U. K. for that Purpose.

Money advanced to be issued to Engineer or other Officer employed in the Works, who is to account.

II. And be it further enacted, That all Sums so to be advanced under the Orders of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall be issued to some Engineer or other Officer or Person who shall be appointed by the Lord Lieutenant or other Chief Governor or Governors to superintend the making or repairing of the Road, or the carrying on the Public Work for which such Money shall be advanced; and it shall be lawful for such Engineer or other Person to make Payments for such Work, and Labour and Materials, as shall have been employed in or upon any such Road or Roads, or other Public Work, at any Time after the making of such Presentment, and either before or after the Appointment of such Engineer or other Person or Persons; and the Expenditure of all such Money shall be accounted for by such Engineer or Officer or other Person, and such Account shall be examined in such manner and by such Person or Persons as shall be directed by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, and a Certificate under the Hand of the Chief Secretary for the Time being of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of his Under Secretary for Civil Affairs, of the Amount of all Monies so advanced and paid and accounted for, shall be transmitted from the Office of such Chief Secretary to the Treasurer of the County, County of a City or County of a Town, in

Accounts to be examined.

Certificate of Amount.

in which such Road or Public Work shall be situate; and after the Receipt of such Certificate the Treasurer of every such County, County of a City, or County of a Town, shall pay to the Collector of Excise in the District where the County Town is situate, or in the County of a City or County of a Town, so much of the Money which shall have been or shall be levied, and which he shall from time to time receive from the Baronial or other Collectors by virtue of the Presentments on account of which such Money shall have been advanced, as shall be sufficient to repay the Money so advanced, but without Interest for the same; and such Money shall be applied by such Collector of Excise in like manner as any other Public Money in his Hands, and such Certificate shall be sufficient Authority to such Treasurer to pay such Money to such Collector of Excise, and the Receipt of such Collector of Excise shall be a sufficient Acquittance and Discharge to such Treasurer for all Monies so paid, in like manner as if Affidavits accounting for the same had been allowed by the Grand Jury and the Court at an Assizes in manner required by Law, and the Queries on all such Presentments shall be respectively discharged accordingly.

Treasurers of Counties to pay Money raised by Presentments in Repayment of Advances.

Application thereof.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Part of any Road, for the making or repairing of which Part any Contract shall have been made and any Supervisor shall have been appointed under any Act or Acts in force in *Ireland* relative to the making or repairing of Roads, during such Time as such Contract shall be in force or such Supervisor shall be acting in execution of his Power under any such Act or Acts.

Act not to extend to any Road now making or repairing.

IV. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, whenever he or they shall think fit so to do, to direct any Engineer or Engineers, or other Person or Persons, to report upon any Plan for the making or improving of any Road in any County in *Ireland*, in which it shall appear to such Lord Lieutenant or other Chief Governor or Governors that the making or improving of such Road is useful or expedient; and upon such Report, if the same shall be approved of by the Lord Lieutenant or other Chief Governor or Governors, it shall be lawful for him or them, by his or their Warrant, to direct that any Sum or Sums of Money shall be advanced from time to time out of the Produce of the said Consolidated Fund arising in *Ireland*, not exceeding in the whole the Sum of Fifty thousand Pounds, to be paid to any Person or Persons to whom the making or improving of any such Road shall be intrusted, or who shall be willing to undertake or contract for the making or improving such Road, under the Superintendance of any Engineer or other Person to be appointed by the Lord Lieutenant or other Chief Governor or Governors for that Purpose.

Lord Lieutenant may direct Engineers to report on Plans for making and improving Roads, and may advance 50,000l.

V. And be it further enacted, That all such Roads for the making or repairing of which any Sum shall be so advanced under this Act, shall be made or repaired under the Superintendance of such Engineer or other Person or Persons as shall be for that Purpose appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and that all Sums of Money which shall be advanced on account of such Work, shall be issued to such Engineer

Roads to be under Superintendance of Engineers appointed by Lord Lieutenant.

Money issued accounted for by Engineers.

Engineer or other Person or Persons, and shall be accounted for by such Engineer or other Person or Persons, and such Account shall be examined in such manner and by such Persons as shall be directed by such Lord Lieutenant or other Chief Governor or Governors; and a Certificate of the Chief Secretary of the Lord Lieutenant, or of his Under Secretary for Civil Affairs, shall be laid before the Grand Jury at the next ensuing Assizes for the County, County of a City or County of a Town, in which such Work shall have been carried on, stating the full Amount of the Sum so advanced and expended and accounted for; and upon the Production of such Certificate, it shall and may be lawful for the Grand Jury of such County, County of a City or County of a Town, if they shall see fit, and shall judge the said Road so made or improved to be advantageous to the County, or County of a City or County of a Town, to make a Presentment for the Repayment of the Whole or any Part of the Money which shall have been so advanced and expended and accounted for, to be raised off such County, County of a City or County of a Town, in such Proportions and by such Half yearly Instalments as shall be directed in such Presentment; and the Amount of any Sum or Sums of Money so presented shall, when raised, be paid by the Treasurer of such County, County of a City or County of a Town, to the Collector of Excise for the District, to be by him applied in like manner as any other Public Money in his Hands.

Certificate.

Presentment made for Payment of Money advanced.

Money paid by County Treasurer to Collector of Excise.

Persons entrusted with the making of Roads, &c. empowered to purchase Premises.

VI. And be it further enacted, That it shall and may be lawful for any Person or Persons to whom the making or improving of any such Road shall be intrusted, or for any Person or Persons who shall for that Purpose be named and appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and whose Nomination and Appointment shall be certified by the Chief Secretary or his Under Secretary for Civil Affairs, and such Person or Persons is and are hereby authorized and empowered, from time to time, to treat, contract and agree for the Purchase of any Lands, Grounds, Houses or Hereditaments, lying near or contiguous to any such Road or Roads, and for the Loss or Damage which the Owners, Proprietors and Occupiers thereof, or any of them, shall or may in any wise sustain by the making or improving of any such Road or Roads, and to pay out of any Monies to be issued for the Purposes of this Act, such Sum or Sums of Money as shall be agreed to be received by such Owners, Proprietors, or Occupiers as aforesaid, and for the Costs attending such Purchase; and every such Road shall be of the Width of Twenty Feet at the least; and such Lands and Grounds when so purchased as aforesaid, or any Part thereof, shall and may be laid into and made Part of such Roads, with proper Drains and Ditches and Fences for that Purpose, and shall thenceforth be deemed and taken to be a public or common Highway, and Part of the Roads to be made or improved by virtue of this Act.

Width of Roads to be 20 Feet at least.

Dwelling Houses, Orchards, &c. not taken without Consent of Owner.

VII. Provided always, and be it enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the taking or pulling down any Dwelling House or other Building, or the taking or making use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart

... a Nursery for Trees, or any Part thereof respectively, ... Consent in Writing of the Owner thereof first had and ...

... be it further enacted, That it shall be lawful for ... or Proprietor, and for all Bodies Politic, Corporate ... te, Corporations Aggregate or Sole, Tenants for Life ... Tail General or Special, or for Years determinable ... fe or Lives, Feoffees in Trust, Executors, Adminis- ... Guardians and other Trustees whomsoever, or any other ... Persons, not only for and on Behalf of themselves, but ... and on Behalf of any Infants, Femes Covert, Cestuique ... nd for all and every other Person and Persons whomsoever, ... or shall be seised, possessed of, or interested in any Lands ... editaments, either for their own Use or Benefit, or for the ... Use ... or in Trust for such other Person or Persons as aforesaid, ... contract and agree with any Person or Persons to be appointed ... for that Purpose in manner aforesaid, for the Satisfaction to be ... made, for any such Damage as aforesaid, or to sell and convey to ... them all or any of such Lands and Hereditaments, or any Part or ... Parts thereof, as occasion shall be and require; and all Contracts, Sales and Conveyances which shall be so made shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians or Trustees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her or them given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be used or taken for the Purpose of widening or improving the said Roads, or any Part or Parts of such Roads, shall, by the Space of Fourteen Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be hindered from treating, then and in every such Case the Person or Persons so appointed as aforesaid shall cause it to be enquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County in which such Road shall be situate, (which Oaths such Person or Persons so appointed, or any One or more of them, is and are hereby empowered and required to administer,) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors or Occupiers, or other Person or Persons interested, for, upon or on account of any such Damage, or of the using and taking

taking such Lands or Hereditaments for the Purposes of this Act; and in order thereto, such Person or Persons is and are hereby empowered and required, from time to time as occasion shall require, to summon and call before the said Jury, and to examine upon Oath, (or being of the People called *Quakers*, upon Affirmation), all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath or Affirmation such Person or Persons so appointed, or any One of them, is and are hereby empowered to administer); and such Person or Persons shall also order and cause the said Jury to view the Places in question, if there be Occasion, and to use all lawful Ways and Means, as well for their own as the Jury's better Information in the Premises, as shall seem necessary or expedient; and after the said Jury shall have enquired of, ascertained and settled such Damage and Recompence, such Person or Persons so appointed shall thereupon order, adjudge and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers or Proprietors of, or other Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order or Determination so had and made, shall be final, binding and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion or Remainder, in Fee or in Tail General or Special, or for Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever.

Witnesses may be examined upon Oath or Affirmation.

Verdict of Jury final.

Proceedings in summoning a Jury.

IX. And be it further enacted, That for the summoning or returning of such Jury or Juries, it shall and may be lawful for the Person or Persons so appointed as aforesaid, and he and they is and are hereby empowered to issue his or their Warrant or Warrants to the Sheriff of any such County, thereby commanding and requiring such Sheriff to impannel, summon and return an indifferent Jury of Twelve Persons, to appear before such Person or Persons at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy or Deputies is and are hereby required to impannel, summon and return such Number accordingly, and out of the Persons so impannelled, summoned and returned or out of such of them as shall appear on such Summons, such Person or Persons so appointed as aforesaid shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not Challenge the Array; and the Person or Persons so acting in the Premises shall have Power from time to time to impose any reasonable Fine or Fines on such Sheriff or his Deputy or Deputies, making Default in the Premises, and on any

Challenge.

Sheriff, Jurymen, or Witnesses, having been paid or tendered expences, neglecting their Duty.

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of the Persons who shall be summoned and returned on such Jury and shall not appear, without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give his Verdict, or who in any other manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear (having been paid or tendered a reasonable Sum for his, her or their Costs, Charges and Expences), without sufficient Excuse, or who appearing shall refuse to be sworn, (or being of the People called *Quakers*, to affirm,) and to give Evidence, and from time to time to levy and apply such Fine or Fines in such manner as such Penalties, Forfeitures and Fines are hereinafter directed to be levied and applied; so that such Fine shall not exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid for any One Offence.

Penalties.

X. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her or them sustained, than what shall have been agreed to and offered by the Person or Persons appointed as aforesaid to treat for the same, before the summoning or returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest or Property or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and returning the Jury and Witnesses shall be borne and paid out of any Money advanced by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by such Person or Persons appointed as aforesaid, before the summoning and returning of such Jury, as a Recompence and Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and returning the said Jury and the Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom such Person or Persons so appointed shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County, County of a City or County of a Town, not interested in the Matter in question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of the Person or Persons entitled to the Money so assessed and adjudged, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Person or Persons so appointed as aforesaid, by such Ways and Means

In what case Expence of Inquest paid out of Money advanced.

In what case such Expence paid by the other Party.

Costs and Expences settled by Justice of Peace not interested, to be deducted out of Money assessed.

If not Paid on demand, how recovered.

Means as are hereinafter provided for the Recovery of Penalties and Forfeitures; provided that where by reason of Absence any Person or Persons shall have been prevented from treating touching the Matters aforesaid, the whole of such Fees and Expences shall be paid out of any Money authorized to be advanced for the Purposes of this Act.

On Payment of Purchase Money, Premises to be taken for Purposes of Act.

XI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid to the Parties or Persons respectively entitled thereto, or to his, her or their Agent or Agents; and upon Payment thereof, or upon depositing the same in the Bank of *Ireland* under the Direction of the Court of Chancery in manner by this Act directed, and after Ten Days' Notice given to such Parties or Persons, or to his, her or their Agent or Agents, or left at his, her or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall be used and taken for the Purposes of this Act, and shall to all Intents and Purposes become and be deemed a common Highway, and shall henceforth for ever be deemed as Part of any Road or Roads to be made or improved under the Provisions of this Act; and henceforth all Parties and Persons whosoever shall be divested of all Right and Title to such Lands and Hereditaments.

Application of Purchase Money, if amounting to 200*l.* or upwards.

XII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements or Hereditaments which shall be purchased for the Purposes of this Act, of any Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees or other Trustees, or from any Feme or Femes Covert, or other incapacitated Person or Persons, or of any Person or Persons seised for Life or Lives, of any other Estate in strict or other Settlement, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account *ex parte* the Person or Persons appointed to make such Contract as aforesaid, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Hereditaments, or affecting any other Lands, Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same manner as the Lands, Tenements and Hereditaments which shall be so purchased, taken or used as aforesaid stood settled or limited

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or such of them as at the time of making the Conveyance and Settlement shall be existing undetermined, and capable of taking effect; and in the Meantime and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds and Ten Shillings *per Centum*, or Four Pounds *per Centum* Annuities transferrable at the Bank of *Ireland*; and in the Meantime and until the said Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Annuities shall from time to time be paid, by Order of the said Court, to the Person or Persons who would for the time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement were made.

Application of Purchase Money if less than 200l. and exceeding 20l.

XIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland*, with the Privity and in the Name of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by One or more of the Person or Persons appointed to contract as aforesaid (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application of the Money where it does not exceed 20l.

XIV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used for the Purposes of this Act, in such manner as the Person or Persons so appointed to contract as aforesaid, or any One or more of them, shall think fit; or in case of Infancy or Lunacy, then to the Guardian or Guardians, Committee or Committees of the Person or Persons so entitled respectively, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XV. And

Money awarded if refused, to be paid into the Bank, under and subject to the Direction of the Court of Chancery.

XV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the Person or Persons so appointed to contract as aforesaid, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the Person or Persons so appointed to contract as aforesaid, or any One or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Ireland*, in the Name and with the Privity of Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments (describing them), subject to the Order, Controul and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds in *Ireland*, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In Cases of Dispute of Title to Money paid into the Bank of Ireland, Persons in Possession at the time of Purchase to be deemed lawfully entitled to Premises.

XVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the said High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments, at the time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court

that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

When Purchases of other Premises are made, Expence of Purchases to be paid out of the Money received by this Act.

XVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation, entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from time to time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, who shall from time to time pay such Sums of Money for such Purposes as the said Court shall direct.

Materials for making or repairing of Roads to be taken from Wastes, or from other Grounds, by Order of Justices.

XVIII. And be it further enacted, That it shall and may be lawful for any Person or Persons to whom the making or improving any such Road or Roads shall be intrusted, and all such Person or Persons as the Person or Persons so intrusted shall appoint, to search for, dig, gather and take away any Stones, Gravel, Sand or other Materials, for making or repairing any such Road or Roads, out of any Waste or Common Ground, Common River or Common Brook, not being within the Distance of One hundred Yards of any Bridge, Dam, Weir or Jetty, in any Parish or Place adjoining any such Road or Roads, or in any adjoining Parish or Place, without paying any thing for the same, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or Common Ground, Common River or Common Brook, then and in such case such Persons as aforesaid may, by the Order of any One or more Justice or Justices of the Peace for the County, search for, dig, gather and take away any such Materials in and out of the Lands, Fields or Grounds of any Person or Persons where the same may be had or found, in any Parish or Place where any Part of any such Road or Roads shall lie or be situate, or in any adjoining Parish or Place, such Lands, Fields or Grounds not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Satisfaction for the Value of the Materials and for the Damage done to the Owners and Occupiers of such Grounds where and whence the same shall be dug up, gathered and carried away, or over which the same or any other Materials for making or repairing the said Roads shall be carried, as the said Justice shall adjudge reasonable.

Satisfaction tendered to Owners.

Consent of Owners of Ground necessary before Materials are taken.

XIX. And be it further enacted, That it shall not be lawful for any Person or Persons acting under the Authority of this Act to dig, gather, get, take or carry away any Materials for repairing such Roads out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owners or Occupiers thereof first had

and obtained for that Purpose, or until Four Days' previous Notice in Writing, signed by the Person or Persons intrusted with the making or improving such Roads, shall have been given to the Owners or Occupiers of the Premises from whence such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owners or Occupiers, to appear at a time and place to be therein named, before any one Justice of the Peace to be named in such Notice, acting in and for the County, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier, or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice shall, if he think proper, authorize any Person to dig, gather, get, take, and carry away such Materials in such manner, and at such time or times, as to such Justice shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice may (upon Proof on Oath, or being of the People called *Quakers* upon Affirmation, of the Service of such Notice, and which Oath or Affirmation such Justice is hereby empowered to administer) make such Order therein as he shall think fit, as fully and effectually to all intents and purposes as if such Owner or Occupier, or his Agent, had attended.

If on Notice Owners do not shew sufficient Cause, &c. Justices may make Order therein.

XX. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, or if any Person or Persons shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purposes of getting Materials for the said Roads, before the said Workmen shall have discontinued working therein for the Space of Twenty one Days (except the Owner or Occupier of any Private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), all and every such Persons and Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Taking away Materials gathered for the Purposes of this Act.

Penalty 5l.

XXI. And be it further enacted, That it shall be lawful for such Person or Persons as shall be intrusted with the making or improving any such Road or Roads, to remove and prevent all Nuisances and Annoyances, or cause the same to be removed or prevented, on any Part of the said Roads, by Timber, Stones, Carriages, Saw Pits or other Pits, Ashes, Dung, Filth, Rubbish or otherwise, and to turn any Watercourses, Gutters, Conduits or Drains running into the same to the Prejudice thereof, and to open, scour, cleanse, deepen, widen and enlarge any Gutter, Ditch, Conduit or Watercourses adjoining or near to the said Roads, or any Part thereof.

Annoyances may be removed.

XXII. And be it further enacted, That it shall be lawful for such Person and Persons as shall be intrusted with the making or improving any such Road or Roads, to make Footpaths or Causeways in or along the Sides of the said Roads, not being a Yard, Garden, Orchard, planted Walk or Avenue to any House, and to cut or make Drains or Watercourses upon and through any Grounds lying contiguous to the said Roads, and to erect and keep in Repair the Bridges and Arches thereupon, and also to make Ditches or Trenches in such Places and in such manner as such Person or Persons shall judge necessary, and make sufficient Fences, Barriers, and other Erections on any Part or Parts of the said

Footpaths or Causeways to be made.

Roads, in order to prevent any Rivulet or Current of Water from flooding the same, as such Person or Persons shall judge necessary.

Fines how levied and recovered.

XXIII. And be it further enacted, That all Fines, Penalties and Forfeitures inflicted or imposed by this Act may, in case of Non-payment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the County or Place in which such Penalty shall be incurred, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Non-payment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine such Witness or Witnesses upon Oath of and concerning such Offences, Matters and Things, and to hear and determine the same, and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Fines, Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice or any other Justice of the Peace for such County or Place as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such County or Place, there to remain without Bail or Mainprize, for any Term not exceeding Two Calendar Months, unless such Fines, Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Fines, Penalties or Forfeitures, when so levied, shall be paid to the Person or Persons who shall be intrusted with the making or the Improvement of the Roads with respect to which such Fines shall have been imposed, or such Penalties or Forfeitures incurred under this Act, and shall be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Distress.

If Penalties, &c. not paid, Offender detained until Return of Warrant of Distress, unless Security given.

Committal to Gaol.

Convictions to be drawn up in the following Form.

XXIV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, (as the case shall happen,) or in any other Form of Words to the same Effect; (that is to say),

'
' to wit. } BE it remembered, That on the Day of
' in the Year of our Lord
' *A. B.* is convicted before me, One of His Majesty's Justices of
' the Peace for the said County, (*or* City or Town, *as the case*
' *may* by virtue of an Act passed in the Third Year of the Reign
' of King *George* the Fourth, intituled *An Act* (*here set forth the*
' *Title of this Act, and specify the Offence, and when and where com-*
' *mitted*). Given under my Hand and Seal the Day and Year above
' written.'

Appeal to Quarter Sessions.

' XXV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act by any of His Majesty's Justices of the Peace, or by any other Person or Persons whomsoever authorized to act in the Execution of this Act, such Person so thinking himself or herself to be aggrieved as aforesaid, may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County or Place, such Appellant (if there be sufficient time after the Cause of such Complaint shall have arisen) first giving

Notice.

or causing to be given Ten Days' Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Justice or other Person or Persons whose Act or Determination shall be so appealed against, and within Seven Days next after such Notice entering into a

Recognizance.

Recognizance before some Justice of the Peace for the County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for Want of sufficient Time for giving such Notice previous to the Quarter Sessions next after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for such County or Place, and the Justices at such First or Second Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way,

Costs.

and shall award such Costs to the Parties appealing or appealed

Final.

against as they the said Justices shall think proper; and the Determination of such Justices at such Quarter Sessions shall be final, binding and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also, by their Order or Warrant,

Distress for Costs.

levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to

Imprisonment.

pay the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to remain for any Time not exceeding Two Calendar Months, or until Payment of such Costs.

Certiorari Proceedings not to be quashed for Want of Form.

XXVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster;* and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress

tress *itself* shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining before such Action commenced.

Tender of Amends.

XXVII. And be it further enacted, That no Action or Suit shall be commenced against any Justice of the Peace, or any other Person or Persons, for any thing done in pursuance of this Act, until Thirty Days' Notice thereof shall be given to such Justice or other Person or Persons, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County, County of a City or Town, where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his or their Election plead specially or the General Issue Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Thirty Days' Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Double Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

Limitation of Actions.

General Issue.

Double Costs.

XXVIII. Provided also, and be it further enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to direct that all such Costs, Charges and reasonable Sums as any Justice or Justices of the Peace, or other Person or Persons shall have been at, or put unto, or shall have expended in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information or other Prosecution whatsoever, or for or on account thereof, or for or concerning any Matter or Thing whatsoever which they shall have done or ordered to be done, in the Execution of this Act, shall and may be paid out of any Money applicable to the Purposes of this Act.

Costs for defending Actions may be paid out of Money applicable to Purposes of Act.

[*Powers of this Act extended, see Cap.* 112. § 4, 5. *post.*]

CAP. XXXV.

An Act to make perpetual, and to amend, several Acts made in the Thirty eighth, Fortieth and Fiftieth Years of the Reign of His late Majesty King *George* the Third, for the Management, Support, Regulation and Maintenance of the Foundling Hospital in *Dublin*; and to make further Provision for the Regulation and Maintenance of the said Hospital. [24th *May* 1822.]

38, 40, and 50 Geo. 3. for Dublin Foundling Hospital, as continued by 1 & 2 G. 4. c. 117.

'WHEREAS the several Acts herein after mentioned, made in the Parliament of *Ireland*, and in the Parliament of the United Kingdom of *Great Britain and Ireland*, in the Thirty eighth, Fortieth and Fiftieth Years of the Reign of His late Majesty King *George* the Third, for the Management, Support, Regulation and Maintenance of the Foundling Hospital have been found highly beneficial: And Whereas the said Acts were continued in force, by an Act made in the last Session of Parliament, until the Fifth Day of *January* One thousand eight hundred and twenty three, and from thence until the End of the then next Session of Parliament; and it is expedient that the said Acts should be made perpetual, and amended in manner herein after mentioned:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the Parliament of *Ireland*, in the Thirty eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Management of the Workhouse and Foundling Hospital in* Dublin; and also an Act made in the Parliament of *Ireland* in the Fortieth Year of the Reign of His said late Majesty, intituled *An Act for the better Management, Support and Maintenance of the Foundling Hospital in* Dublin, *and for amending and further continuing an Act passed in the Thirty eighth Year of His present Majesty's Reign, intituled* '*An Act for the better Management of the Workhouse and Foundling Hospital in* Dublin;' and also an Act made in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, in the Fiftieth Year of the Reign of His said late Majesty, intituled *An Act for the better Management of the Foundling Hospital in* Dublin, *and for amending and further continuing an Act passed in the Parliament of* Ireland, *in the Fortieth Year of His present Majesty, for the better Management, Support and Maintenance of the Foundling Hospital in* Dublin; *and for amending and further continuing an Act passed in the Thirty eighth Year of His Majesty, for the better Management of the Workhouse and Foundling Hospital in* Dublin, shall be and the same are hereby continued in force, and shall be and are hereby made perpetual, except only so far as the said Acts or any of them, or any Part thereof, are repealed, altered or amended.

38 G. 3. c. 35.

40 G. 3. c. 33.

50 G. 3. c. cxcii. made perpetual, except as amended.

'II. And Whereas, notwithstanding several Regulations made from time to time, to restrain and prevent the indiscriminate Admission of Children into the Foundling Hospital in *Dublin*, the Number of Children on the Establishment thereof hath become

so

'so great, that the Funds of the said Hospital are altogether un-
'equal to their Support, and the said Hospital is capable of accom-
'modating little more than One Third Part of such of the said
'Children as having attained the Age of Eight Years, ought by
'the Rules thereof, to be taken from their respective Nurses and
'brought into the said Hospital for Education and Instruction;
'and it is expedient that the Benefits of the said Institution should
'be confined to Orphans and deserted Children whose Parents are
'unknown: And Whereas an Act was passed in the Parliament of
'*Ireland*, in the Eleventh and Twelfth Years of the Reign of His
'late Majesty King *George* the Third, intituled *An Act for the Re-*
'lief of Poor Infants who are or shall be deserted by their Parents,
'and which Act was amended by an Act made in the Thir-
'teenth and Fourteenth Years of His said late Majesty's Reign,
'intituled *An Act for amending Two Acts passed in the last Ses-*
'sion, the one intituled 'An Act for the Relief of Poor Infants
'who are or shall be deserted by their Parents;' the other inti-
'tuled 'An Act for preventing the spreading of Fires, and for
'appointing of Watches in Cities and Towns Corporate, and for
'other Purposes;' and notwithstanding Provision is made by the
'said Acts for the Maintenance and Education of all Children
'deserted and exposed in *Ireland*, by the Sums to be raised and
'assessed on the Parishes in which such Children shall be de-
'serted and exposed respectively (except in the Cities of *Dublin*
'and *Cork*), not exceeding Five Pounds for each Child, such Chil-
'dren are brought to the said Foundling Hospital in *Dublin*,
'from all Parts of *Ireland*, and received therein; and it is there-
'fore reasonable that the said Hospital should not be supported
'by a Tax on the City of *Dublin* only, but should receive with
'each Child the said Sum, which may be raised on the Parish from
'which such Child shall be brought, in whatever Part of *Ireland*
'the same may be (except in the City of *Cork*);' Be it therefore
further enacted, That from and after the First Day of *November*
One thousand eight hundred and twenty two, no Child shall be re-
ceived or admitted into the said Foundling Hospital in *Dublin*, un-
less at or before the time of offering such Child for Admittance
into the same, there shall be paid to the Registrar of the said
Hospital the Sum of Five Pounds Sterling of the Currency of *Ire-*
land, for the Use and Support of the said Hospital, and of the
Children belonging to the same; and that it shall and may be
lawful for the Overseers mentioned in the said recited Acts,
within their respective Parishes, to apply the Sum of Five Pounds
in Payment to the Foundling Hospital in *Dublin* with any such
Child or Children, instead of applying such Sum in the Main-
tenance and Education of such Children within their respective
Parishes, and that such Sums shall be allowed to such Overseers in
their Accounts, as if the same had been applied in the Maintenance
and Education of such Children within their respective Parishes.

11 & 12 G. 3. c. 15. (I.) amended by 13 & 14 G. 3. c. 24. (I.)

No Child to be received into Dublin Foundling Hospital, unless 5l. Irish Currency is paid on Admission.

Overseers may pay the same.

III. And be it further enacted, That from and after the said
First Day of *November* One thousand eight hundred and twenty
two, no Child shall be received or admitted into the said Hos-
pital, unless instead of the Certificate heretofore required for the
Admission of any Child into the said Foundling Hospital, there
shall be delivered to the Porter of the said Hospital, subject to the

Certificate of Minister, &c. of Child being exposed and deserted, &c. to be delivered to the Porter of

the said Hospital before Child admitted.

several Rules, Orders, Regulations and Directions which have been or shall be from time to time made by the Governors of the said Hospital, together with every Child who shall be brought for the Purpose of being received or admitted into the said Hospital, a Certificate signed by the Minister or Curate and Churchwardens of the Parish from which such Child shall be brought, certifying that such Child has been exposed or deserted, and in Danger of perishing, and that the said Minister or Curate and Churchwardens have made diligent Inquiry respecting the Birth and Parentage of such Child; and that such Child is, to the best of their Knowledge and Belief, under the Age of Twelve Calendar Months; and that they have not been able to discover the Parents of such Child or either of them, or that both the Parents of such Child are dead.

11 & 12 G. 3. c. 15. (I.) 13 & 14 G. 3. c. 14. (I.) extended to Dublin.

IV. And be it further enacted, That all and every the Clauses, Enactments, Regulations and Powers mentioned, enacted and given in and by the said herein before recited Acts passed in the Parliament of *Ireland*, in the Eleventh and Twelfth Years and in the Thirteenth and Fourteenth Years of the Reign of His said late Majesty King *George* the Third, to take effect within any Parish in *Ireland*, (except within the Cities of *Dublin* and *Cork*), shall, from and after the Fourth Day of *January* One thousand eight hundred and twenty three, have effect and be in force, and put in Execution in every Parish within the City of *Dublin*, as if the said City had not been excepted out of the said Acts; and that the Judges of His Majesty's Court of King's Bench, or any one of them, shall, in each presenting Term, have and exercise the same Powers and Duties with respect to each and every Parish within the said City of *Dublin*, as are given to or required from the Judges of Assize, or one of them, with respect to other Parishes in *Ireland*, under and by virtue of the Provisions of the said Act of the Thirteenth and Fourteenth Years of His said late Majesty's Reign.

Power of Judges of Assise exercised in Dublin by Judges of K. B.

Taxes on Houses in Dublin for Support of Hospital, under 11 & 12 G. 3. c. 11. (I.) repealed.

V. And be it further enacted, That from and after the said Fourth Day of *January* One thousand eight hundred and twenty three, the several Taxes and Duties payable for the Support of the said Foundling Hospital in *Dublin*, in respect of Houses in the City of *Dublin*, and the Suburbs and Liberties near the same, or within Two Miles of the Castle of *Dublin*, under the Provisions of an Act passed in the Parliament of *Ireland* in the Eleventh and Twelfth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better regulating the Foundling Hospital and Workhouse in the City of* Dublin, *and increasing the Fund for the Support thereof; also for making a Provision for appointing a* Locum Tenens *in case of the Death or Absence of the Lord Mayor or the President of the Court of Conscience;* or under any Act or Acts for amending the said Act, shall cease, determine and be no longer payable: Provided always, that nothing herein contained shall interfere with the raising, levying, collecting or applying any such Tax which may be or become due on or before the said Fourth Day of *January* One thousand eight hundred and twenty three.

Proviso.

Children not sent out of

VI. And be it further enacted, That no Child shall at any Time be delivered out of the said Hospital to any Person or Persons claiming

claiming to be the Parent or Parents, Relative or Relatives of such Child, otherwise than by and under a Special Order of the Governors of the said Hospital for the Time being, and upon Payment of such Sum, not exceeding Five Pounds, as the said Governors shall think fit to require. Hospital unless under Order of Governors.

VII. And be it further enacted, That if any Person shall forge or counterfeit or cause to be forged or counterfeited, any Certificate of any Minister or Curate and Churchwardens of any Parish required by this Act, or shall knowingly deliver or cause to be delivered or sent to the Porter or any other Officer of the said Foundling Hospital in *Dublin*, any forged or counterfeited Paper or Writing, purporting to be such Certificate, whether any Person named in any such Certificate, Paper or Writing as aforesaid, or any of them respectively, shall really be the Minister or Curate or Churchwardens of such Parish or not, every Person so offending shall be deemed guilty of a Misdemeanor, and on Conviction thereof shall be sentenced to Imprisonment not exceeding the Term of Two Years. Forging Certificate. Punishment.

VIII. And be it further enacted, That no Child shall at any Time be received into the said Hospital which shall be above the Age of Twelve Calendar Months, any thing in the herein before recited Acts or any of them, or in any other Act or Acts to the contrary in anywise notwithstanding. No Child received above Twelve Months old.

IX. And be it further enacted, That the Costs, Charges and Expences of preparing, obtaining and passing this present Act, shall and may be paid out of the Funds arising by virtue of the said recited Act of the Fiftieth Year of the Reign of His late Majesty King *George* the Third and of the Acts thereby continued and amended. Expences of Act.

X. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded. Public Act.

CAP. XXXVI.

An Act to reduce the Duty of Excise on Malt made in *Ireland*, and certain Drawbacks in respect thereof.

[24th *June* 1822.]

'WHEREAS the Duty of Excise of One Shilling *per* Bushel on Malt made in *Great Britain*, charged by an Act made in the last Session of Parliament, for continuing to His Majesty (among other Duties) certain Duties on Malt in *Great Britain*, hath ceased and determined, and been repealed, from and after the Twenty fifth Day of *February* One thousand eight hundred and twenty two; and it is therefore expedient that a like Proportion of the whole Duty of Excise on Malt payable in *Ireland*, under an Act made in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to grant to His Majesty certain Duties of Excise on Malt in* Ireland, should in like manner cease and determine and be repealed; and that the Duty of Excise on Malt made payable by the said last recited Act should be reduced accordingly:' Be it therefore 59 G. 3. c. 87.

therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That the Sum of Four Shillings *British* Currency on every Barrel of Malt containing Four Bushels *Winchester* Measure, which at any Time after the said Twenty fifth Day of *February* One thousand eight hundred and twenty two shall have been or shall be made of Barley or any other Corn or Grain in *Ireland* (Part of the Duty of Excise of Fourteen Shillings on every Barrel of Malt granted by the said recited Act of the Fifty ninth Year of His late Majesty's Reign), shall cease and determine, and shall be and the same is hereby repealed; and that for and upon every such Barrel of Malt which at any time or times after the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, shall have been or shall be made of Barley or other Corn or Grain in *Ireland*, by any Person or Persons whomsoever, or for which any Person shall be chargeable with Duty by Law, whether the same shall be or shall not be for Sale, the Sum of Ten Shillings *British* Currency, and no more, and so proportionably for any greater or less Quantity, shall be paid by the Maltster or Maker thereof respectively, in lieu of all Duty payable thereon under or by virtue of any Act or Acts in force in *Ireland* immediately before the passing of this Act.

Instead of 14s. on every Barrel of Malt, 10s. to be paid.

An Allowance to be paid of 4s. per Barrel for all dry Malt in Stock, &c.

II. And be it further enacted, That for all dry Malt unground, which, on the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, was the Stock in of any Maltster or Maker of Malt for Sale, or Factor or Dealer in Malt or Common Brewer or Distiller in *Ireland*, for which the Duties payable by Law shall have been duly charged or paid, and also for all Malt chargeable with Duty in respect of all Corn or Grain which, at any Time on or after the said Twenty fifth day of *February* One thousand eight hundred and twenty two, and before the Fifth Day of *March* One thousand eight hundred and twenty two, was in Process of being made into Malt in the Malting House or Premises of any Maltster or Maker of Malt for Sale, or Brewer or Distiller making Malt, there shall be allowed and paid the Sum of Four Shillings *British* Currency on and for every Barrel of Malt charged or chargeable, or which shall have paid the Duty of Four Shillings under the said recited Act of the Fifty ninth Year of His late Majesty's Reign, in manner and under the Regulations herein after mentioned.

Instead of present Drawbacks those herein mentioned to be paid, on Exportation of Malt to Foreign Parts.

III. And be it further enacted, That from and after the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, the Sum of Four Shillings *British* Currency, Part of the Drawback or Allowance of Fourteen Shillings made payable by the said Act of the Fifty ninth Year of His late Majesty's Reign on every Barrel of Malt made in *Ireland* and exported to any other Place than *Great Britain*, shall be repealed and shall cease and determine; and that from and after the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, instead of all former Drawbacks on Malt made in *Ireland*, and exported to any other Place than *Great Britain*, there shall be paid to every Person who shall legally export from *Ireland* to any other Place than *Great Britain* any Malt made in *Ireland*, the Drawback and Allowance

Allowance following; that is to say, for every Barrel of such Malt, containing Four Bushels *Winchester* Measure, the Sum of Ten Shillings *British* Currency; and the said Drawback shall be paid in like manner, and under such Regulations and Directions as are expressed, mentioned and contained in the said recited Act of the Fifty ninth Year of His late Majesty's Reign.

Drawback of 59 G. 3. c. 87. on Beer exported from Ireland to Foreign Parts repealed.

IV. And be it further enacted, That from and after the Twenty fifth Day of *February* One thousand eight hundred and twenty *two*, the Drawback or Allowance made payable by the said Act made in the Fifty ninth Year of His late Majesty King *George* the Third on Beer or Ale made in *Ireland*, and exported to any other Place than *Great Britain*, shall be repealed, and shall cease and determine; and that from and after the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, instead of all former Drawbacks on Beer or Ale made in *Ireland*, and exported to any other Place than *Great Britain*, there shall be paid to every Person who shall legally export from *Ireland* to any other place than *Great Britain* any Strong Beer or Ale made or brewed in *Ireland*, the Drawback and Allowance following; that is to say, for every Barrel of such Beer or Ale the Sum of Five Shillings and Six Pence *British* Currency, and no more.

New drawback.

Drawbacks on warehoused Spirits exported to Foreign Parts.

V. And be it further enacted, That upon the Exportation of any Spirits made or distilled in *Ireland*, from Corn or Grain, malted or unmalted, at any Time after the said Twenty fifth Day of *February*, and which shall be warehoused in *Ireland* and exported from thence to any Place except *Great Britain*, there shall be allowed and paid a Drawback of Four Pence Farthing, and no more, upon every Gallon of such Spirits, for and in respect of the Duty paid on the Malt used and consumed in the making of such Spirits, in lieu and instead of all Drawbacks allowed and made payable on such Spirits in respect of such Duty by any Act or Acts in force in *Ireland*; and that on all Spirits made or distilled in *Ireland* from Corn or Grain, malted or unmalted, at any Time after the Twenty fifth Day of *February* One thousand eight hundred and twenty two, and on which all Duties imposed by Law thereon shall be paid, and which shall be exported from *Ireland* otherwise than from His Majesty's Warehouses to any Place except *Great Britain*, there shall be allowed and paid a Drawback of Five Shillings and Ten Pence Farthing for every Gallon of such Spirits of a Strength not exceeding Twenty one *per Centum* above Proof, and so in Proportion for any less Degree of Strength not being less than Seven *per Centum* above Proof, in lieu of all Drawbacks allowed or made payable on such Spirits under any Act or Acts in force in *Ireland*.

On Spirits not warehoused, exported.

In lieu of all other Drawbacks.

Former Drawbacks to continue on Malt, Beer and Spirits, having paid former Duties, on Exportation to Foreign Parts.

VI. Provided always, and be it enacted, That the several Drawbacks payable under any Act or Acts in force immediately before the passing of this Act, upon Malt, or upon Beer or Ale, or Spirits respectively exported from *Ireland* to any Place except *Great Britain*, shall continue to be paid and allowed on all Malt and all Beer or Ale, and on all Spirits respectively, so exported, upon which all Duties payable on such Malt or on the Malt used and consumed in the making of such Beer, Ale or Spirits, under any Act or Acts in force in *Ireland* immediately before the passing of this Act, shall have been fully paid and satisfied, on Proof of the Payment of such Duties to the Satisfaction of the Commissioners of Inland

Inland Excise and Taxes in *Ireland*, and under such Orders, Rules, Regulations, Conditions and Restrictions as the said Commissioners shall from time to time think fit to make for that Purpose.

Allowance on Spirits taken out of Warehouse for Consumption in Ireland, if warehoused before 25th Feb. 1822.

VII. Provided also, and be it enacted, That a Payment or Allowance of One Penny Three Farthings *per* Gallon shall be made to the Proprietor of any Spirits made and distilled in *Ireland*, and which shall have been warehoused in *Ireland* at any Time before the said Twenty fifth Day of *February*, upon the same being taken out of the Warehouse for Consumption in *Ireland*; upon condition, nevertheless, that Proof shall be given, to the Satisfaction of the Commissioners of Inland Excise and Taxes in *Ireland*, that the Spirits in respect of which such Payment or Allowance shall be claimed were made from Malt which had paid the full Duties payable under any Act or Acts in Force immediately before the passing of this Act; and such Payment or Allowance shall be paid and made by the said Commissioners of Inland Excise and Taxes in such Manner and on such Terms, and under such Rules, Regulations, Conditions and Restrictions, as the said Commissioners shall think fit to make for that Purpose.

Drawback on Exportation of Beer not to be paid, unless Oath made that the Beer was brewed wholly from Malt upon which Duty had been paid.

VIII. Provided also, and be it further enacted, That whenever any Drawback or Allowance shall be claimed on the Exportation of any Beer from *Ireland*, such Drawback shall not be paid, unless the Exporter of such Beer or Ale, together with the Brewer thereof or his Foreman or Manager, shall make and sign an Oath or Affidavit (or if a Quaker a solemn Affirmation), which Oath, Affidavit or Affirmation any Collector of Excise or other Officer in charge of the Collection of the District is hereby respectively authorized to require and administer, that according to the best of the Knowledge and Belief of such Person respectively, the Beer or Ale in respect of which such Drawback shall be claimed has been brewed wholly from Malt upon which the full Duty in respect of which such Drawback shall be claimed had been duly paid; and such Oath, Affidavit or Affirmation shall specify the Time when and Place where such Beer or Ale was brewed, and every such Oath, Affidavit or Affirmation shall be kept and filed by the Officer by whom the same was required and administered.

Oath filed.

Officer taking Account of Stock of Malt, to give a Certificate of Quantity to Maker, &c. No Fee.

What such Certificate is to express.

IX. And be it further enacted, That the Officer and Officers of Excise, or some or one of them, who shall have taken Account of the Stock of any Maltster or Maker of Malt for Sale, or Brewer or Distiller making Malt, or Factor or Dealer in Malt, shall, with all convenient Speed after the passing of this Act, and without Fee or Reward, give to every such Maltster and Maker of Malt for Sale, Factor or Dealer in Malt, Common Brewer or Distiller entitled to the Allowance aforesaid for or in respect of any such Malt, a Certificate expressing the true Quantity of all dry Malt unground which shall have been in the Stock of any such Person respectively on or after the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, and also the true Quantity of all Malt chargeable with Duty in respect of all Corn or Grain in Process of being made into Malt, which shall have been in the Stock of any such Person on or after the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, and which shall have been charged and chargeable with the Duty of Fourteen Shillings *per* Barrel, or on which the said Duty shall have been paid;

paid; and the said Certificate shall specify the Day when such Quantities were so respectively taken Account of, and the Amount of the Allowance for and upon such Malt, and the Name and Place of Abode of every Person of whose Stock such Account was taken, and whether such Person was at that Time a Maltster or Maker of Malt for Sale, Factor or Dealer in Malt, Common Brewer or Distiller respectively.

Malt removed by Permit granted before Feb. 25. 1822, and arriving at Place of Destination after that Time, entitled to the Allowance of 4s. per Barrel.

X. Provided always, and be it enacted, That in case it shall have happened that any Malt, forthe Removal of which a Permit or Coast Cocket shall have been granted before the said Twenty fifth Day of *February* One thousand eight hundred and twenty two, shall have arrived at the Place of its Destination in *Ireland* after the said Twenty fifth Day of *February*, then the Person or Persons into whose Stock, Custody or Possession such Malt shall have so come, shall be entitled to the Allowance by this Act granted, of Four Shillings *British* Currency on every Barrel of such Malt, as if the same had been in the Stock, Custody or Possession of such Person or Persons on the said Twenty fifth Day of *February* One thousand eight hundred and twenty two; and the proper Officer or Officers of Excise shall give and deliver a Certificate thereof in like manner as is by this Act directed with respect to the Certificate to be given and delivered by any Officer of Malt in Stock on the said Twenty fifth Day of *February* One thousand eight hundred and twenty two.

Allowances to be made by Commissioners of Excise, and under Regulations to be made by them from time to time.

XI. And be it further enacted, That it shall and may be lawful to and for the Commissioners of Inland Excise and Taxes in *Ireland*, upon Application by or on Behalf of any Person or Persons who shall be entitled to claim any Allowance under this Act for or in respect of any Malt aforesaid, and upon the Production of the Certificate required by this Act, and the said Commissioners are hereby required to make any Order or Orders for the Payment or Satisfaction to such Person or Persons of all such Sum and Sums of Money as shall to the said Commissioners appear to be payable to any such Person or Persons in respect of such Allowance, either by Payment of the Amount thereof to such Person or Persons by the Collector of the District wherein such Person or Persons shall reside, or by any Allowance or Abatement to any such Person or Persons out of or in respect of any Duty or Duties of Excise which may be or become payable by or due from any such Person or Persons respectively, in such Manner and under such Orders, Rules, Regulations, Conditions and Restrictions as the said Commissioners of Inland Excise and Taxes shall from time to time think fit to make for that Purpose: Provided always, that such Sum or Sums of Money so allowed shall be paid or allowed in Four equal Portions, payable on the Fifth Day of *July* and the Tenth Day of *October* One thousand eight hundred and twenty two, and the Fifth Day of *January* and the Fifth Day of *April* One thousand eight hundred and twenty three.

Counterfeiting Certificate.

XII. And be it further enacted, That if any Person or Persons shall counterfeit or forge, or cause to be counterfeited or forged, any Certificate by this Act required or directed, or shall knowingly or willingly give any false or untrue Certificate, or shall fraudulently alter or erase, or cause to be fraudulently altered or erased, any Certificate granted by any Officer or Officers of Excise, or

or any Part thereof, or shall produce or make use of any Certificate, knowing the same to be forged, counterfeited, false, untrue, altered or erased, every such Person or Persons shall for each and every such Offence forfeit and pay the Sum of Two hundred Pounds, or Twenty Pounds for every Barrel of Malt mentioned or expressed in such Certificate, at the Election of His Majesty's Attorney General for *Ireland*.

Penalty.

'XIII. And Whereas Maltsters or Makers of Malt for Sale, or 'Factors or Dealers in Malt, Common Brewers or Distillers, in '*Ireland*, may have made Sales or Deliveries, or Contracts or 'Agreements for the Sale or Delivery of Malt, as Malt in respect 'of which the full Duties of Fourteen Shillings *per* Barrel were 'charged or paid, but for which, as Part of the Stock as aforesaid 'of such Maltsters or Makers of Malt, or Factors or Dealers in 'Malt, Common Brewers or Distillers, the Allowance of the Duty 'hereby repealed is by this Act granted; and it is reasonable that 'Provisions should be made by this Act for Relief of the Buyers of 'such Malt, so far as the Amount of the Duty hereby repealed and 'allowed formed a Part of the Price of the Malt so sold or delivered, 'or for which such Contracts or Agreements have been made, and 'shall be paid to the Seller of such Malt in respect thereof;' Be it therefore enacted, That every Maltster or Maker of Malt for Sale, or Factor or Dealer in Malt, Common Brewer or Distiller, in *Ireland*, who shall have sold or delivered or contracted or agreed to sell or deliver any Malt, in respect of which the Duty hereby repealed is by this Act allowed, and which Malt was so sold or delivered, or contracted or agreed to be sold or delivered, as Malt which was charged with or had paid the full Duties of Fourteen Shillings *per* Barrel, shall abate and deduct, and if the Purchase Money has been paid, shall refund and return to the Buyer of such Malt, from the Price for which such Malt was so sold or delivered, or contracted or agreed to be sold or delivered, the whole of the Allowance granted by this Act, and received by the Seller of such Malt in respect thereof, and shall stand and be possessed of the Amount of the Allowance so granted and received as Money had and received to the Use of the Buyer of such Malt; and that no Action or Suit at Law or in Equity shall be brought or be maintainable against the Buyer of any such Malt by any Maltster or Maker of Malt for Sale, or Factor or Dealer in Malt, Common Brewer or Distiller, being the Seller thereof, for so much of the Price of such Malt as shall be equal to the Amount of the Allowance of Duty granted by this Act, and so received by such Seller; and all Proceedings brought or instituted for the Recovery thereof shall be null and void to all Intents and Purposes whatsoever.

Relief of Buyers of Malt from so much of Price as is equal to Duty hereby repealed, and which Sellers have received as Allowance on such Malt as Part of their Stock.

No Action to lie against Buyer, &c.

XIV. And be it further enacted, That the several Duties and Drawbacks by this Act granted and declared to be payable, and all Penalties and Forfeitures under this Act, shall be raised, levied, collected, paid, sued for, recovered and applied, in such manner and under such Powers and Authorities, and by such Ways and Methods, and according to such Rules and Directions, and under such Penalties and Forfeitures, as are appointed, directed and expressed for the raising, collecting, paying, levying, allowing and managing any Duties or Drawbacks, or for the Recovery of any Penalties or Forfeitures in and by an Act made in *Ireland* in the Fourteenth

Duties, Drawbacks, and Penalties to be levied, paid and recovered under

Fourteenth and Fifteenth Years of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for settling the Excise or new Impost upon His Majesty, His Heirs or Successors, according to the Book of Rates therein inserted;* or in and by an Act made in the Forty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide for the better Execution of the several Acts relating to the Revenues, Matters and Things under the Management of the Commissioners of Customs and Port Duties, and of the Commissioners of Inland Excise and Taxes* in Ireland; or in or by any other Act or Acts in force in *Ireland* relating to the Revenue of Customs and Excise, or either of them, as fully and effectually to all Intents and Purposes as if the same were herein expressed and enacted, with the like Remedy of Appeal to and for the Party or Parties aggrieved, as in and by the said recited Act made in the Fourteenth and Fifteenth Years of His late Majesty King *Charles* the Second, or by any other Act or Acts in force in *Ireland* relating to the said Duties; and all Powers, Rules and Regulations, Penalties, Clauses, Matters and Things in the said Acts contained, shall extend and be construed to extend to the raising, levying and collecting the Duties and Drawbacks by this Act granted and declared to be payable, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in this Act.

14 & 15 Car. 2. c. 1.

46 G. 3. c. 106.

and other Acts of Customs and Excise in force in Ireland.

XV. And be it further enacted, That this Act may be amended, altered or repealed by any Act or Acts to be made in this present Session of Parliament.

Act may be amended, &c.

CAP. XXXVII.

An Act to extend the Powers of the Commissioners appointed by an Act, passed in the last Session of Parliament, for inquiring into the Collection and Management of the Revenue in *Ireland.* [24th *June* 1822.]

'WHEREAS an Act passed in the First and Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to appoint Commissioners for inquiring into the Collection and Management of the Revenue in* Ireland, *and the several Establishments connected therewith:* And whereas it is expedient that the Commissioners appointed by the said Act, or who may be hereafter appointed under the Provisions thereof, for the Purposes mentioned in the said recited Act, should be empowered to inquire into the Collection and Management of the Public Revenues of Stamps, Assessed Taxes and Post Office respectively in *England*, and of Customs, Excise, Stamps, Assessed Taxes and Post Office respectively in *Scotland*, and of such other Office or Offices in *England* or *Scotland* as shall be named or described in any Sign Manual or Warrant to be issued by His Majesty for that Purpose, countersigned by the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners named in the

1 & 2 G. 4. c. 90.

Commissioners under recited

Act may inquire into Collection of certain Revenues in England and Scotland.

the said recited Act, or who may hereafter be appointed in pursuance of the Provisions thereof, shall be and are hereby constituted and appointed to be Commissioners for inquiring into the Collection and Management of the Revenues of Stamps, Assessed Taxes and Post Office respectively in *England*, and of the Revenues of Customs, Excise, Stamps, Assessed Taxes and Post Office respectively in *Scotland*, and of any Office or Offices named or described as aforesaid, in the same manner, and with the same Powers and Authorities, and under the same Regulations and Directions, with respect to all Persons, Matters and Things connected therewith, as are contained and provided in the said recited Act with respect to the Public Revenues arising in *Ireland*, made subject to the Inquiry of the said Commissioners by the said recited Act.

Commissioners may call for Papers, and examine Persons employed in Customs and Excise in England.

'II. And Whereas, for the better and more effectually enabling 'the said Commissioners to ascertain whether the Introduction of 'a more uniform Practice in the Management of the Public Re- 'venue in *Great Britain* and *Ireland* would not be beneficial, it is 'expedient that the said Commissioners should be empowered to 'call for such Accounts and Papers, and to require the Attend- 'ance of such Persons employed in the Collection and Management 'of the Revenues of Customs and Excise in *England*, as may enable 'the said Commissioners to ascertain the Mode of Managing and 'Collecting the said Revenues;' Be it further enacted, That it shall be lawful for the said Commissioners to call for and require all such Accounts and Papers, and to require the Attendance of all such Persons as may, in the Judgment of the said Commissioners, be necessary to enable the said Commissioners to ascertain the Mode of managing and collecting the said Revenue of Customs and Excise in *England*.

1 & 2 G. 4. c. 90. extended to this Act,

III. And be it further enacted, That all the Powers and Authorities vested in the said Commissioners by the said recited Act, for enabling them to require the Attendance of Persons, and to examine them upon Oath, and to require the Production of Books, Papers and Accounts connected with the Revenue arising in *Ireland*, and all the Clauses, Provisions and Penalties, as well of Perjury as others, in the said recited Act contained, relating thereto, shall be and they are hereby extended to, and may and shall be used and exercised by the said Commissioners, and shall be in full force for the compelling the Attendance of all Persons, and for examining them upon Oath, and for the prosecuting and Punishment of any Person refusing to appear, or to be sworn, or to affirm or answer; and for the Prosecution and Punishment of Persons who shall wilfully and corruptly give false Evidence; and for enforcing the Production of Books, Papers and Accounts in any way connected with or having relation to any of the Revenues specified in this Act, or in any Sign Manual or Warrant as aforesaid, for enabling the said Commissioners to make such Inquiries and Reports in relation to the Revenue aforesaid, made subject to their Inquiry, as fully and effectually, and in as full and ample a Manner, as if all such Powers and Authorities, Provisions, Regulations and Clauses, were severally and separately repeated and re-enacted in this Act, and made Part thereof; and the said recited Act and this Act shall, for all the Purposes aforesaid, be construed as One Act.

and together therewith construed as one Act.

CAP.

CAP. XXXVIII.

An Act for the further and more adequate Punishment of Persons convicted of Manslaughter, and of Servants convicted of robbing their Masters, and of Accessories before the Fact to Grand Larceny, and certain other Felonies.

[24th *June* 1822.]

'WHEREAS the Punishment of burning in the Hand has long 'been deemed ineffectual and inexpedient: And Whereas 'the other Punishments which may by Law be inflicted upon 'Persons convicted of the Offence of Manslaughter are frequently 'inadequate to the aggravated Circumstances of such Offence:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, whenever any Person shall be lawfully convicted of the Offence of Manslaughter, such Person shall not be liable to be burned or marked in the Hand, or in any Part thereof, but such Person shall be liable to be transported beyond the Seas for the Term of his or her natural Life, or for any Term of Years, as the Court before which any such Person shall be convicted shall adjudge; or shall be liable, in case the said Court shall think fit, to be imprisoned only, or to be imprisoned and kept to hard Labour in the Common Gaol, House of Correction or Penitentiary House, for any Term not exceeding Three Years; or shall be liable to such a pecuniary Fine, as to the said Court, in its Discretion, shall seem meet; and such Fine or other Punishment imposed by virtue of this Act shall have the like Effects and Consequences to the Party on whom such Fine or other Punishment shall be so imposed, with respect to any Discharge from the same or other Felonies, or any Restitution to his or her Estates, Capacities and Credits, as if he or she had continued liable to the former Punishment of burning or marking in the Hand, and had suffered such former Punishment.

Persons guilty of Manslaughter not burnt in the Hand.

Punishment.

'II. And Whereas frequent Depredations have of late been com-'mitted by Clerks, Apprentices, and Servants, to the serious De-'triment and Loss of their Masters, Mistresses or Employers; and 'it is expedient that such Offenders, when entitled to Benefit of 'Clergy, should be made liable to a more severe Punishment, than 'can now by Law be inflicted;' Be it therefore further enacted, That from and after the passing of this Act, if any Clerk, Apprentice or Servant whatsoever, shall feloniously steal any Goods, Chattels, Money, Bond, Bank Note, Cheque upon a Banker or Banker's Draft, Promissory Note for the Payment of Money, Bill of Exchange, or other valuable Security or Effects, from or belonging to, or in the Possession, Custody or Power of his, her or their Master or Masters, Mistress or Mistresses, or Employer or Employers, and shall be lawfully convicted thereof, and be entitled to the Benefit of Clergy, then and in every such Case such Offender or Offenders, instead of being subjected to such Punishment as may now by Law be inflicted upon Persons so convicted, and entitled to the Benefit of Clergy, may, at the Discretion of the

Servants, &c. robbing their Employers.

Court by or before which he, she or they shall be convicted, be ordered and adjudged to be transported beyond the Seas for any Term not exceeding Fourteen Years, or to be imprisoned only, or to be imprisoned or kept to hard Labour, in the Common Gaol, House of Correction or Penitentiary House, for any Term not exceeding Three Years.

Punishment.

'III. And Whereas Children, Servants and others, are often 'induced to commit Thefts, by the Persuasion, Instigation or 'Commands of wicked and evil disposed Persons, who, not being 'present, aiding and assisting in the Commission of such Thefts, 'frequently escape the Punishment which so mischievous an Offence 'demands;' Be it therefore further enacted, That from and after the passing of this Act, if any Person or Persons shall counsel, hire, procure or command any other Person or Persons to commit any Larceny whatsoever of the Degree of Grand Larceny, then and in every such Case, if the Person or Persons so counselling, hiring, procuring or commanding as aforesaid, shall be convicted of Felony, and shall be entitled to the Benefit of Clergy, and by the Laws now in force shall be liable to be fined and imprisoned for any Term not exceeding One Year only, he, she or they, instead of being so fined and imprisoned as aforesaid, may, at the Discretion of the Court by or before which any such Offender shall be convicted, be ordered and adjudged to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned only, or to be imprisoned and kept to hard Labour, in the Common Gaol, House of Correction or Penitentiary House, for any Term not exceeding Three Years.

Persons advising Children or others to commit Thefts.

Punishment.

'IV. And for the due Punishment of Accessories before the 'Fact to Burglary, Robbery and Larceny, in Cases where the prin- 'cipal Offenders shall not have been discovered, or shall be con- 'cealed, or not be amenable to Justice;' Be it further enacted, That from and after the passing of this Act, if any Person or Persons shall counsel, hire, procure or command any other Person or Persons to commit any Burglary, Robbery or Larceny whatsoever, of the Degree of Grand Larceny, then and in any such Case (except where the Person or Persons actually committing any such Felony as aforesaid shall have been actually convicted thereof) the Person or Persons so counselling, hiring, procuring or commanding as aforesaid, shall be held and deemed guilty of and may be prosecuted for a Misdemeanor, and being convicted thereof shall be liable to be imprisoned only, or to be imprisoned and kept to hard Labour, in the Common Gaol, House of Correction or Penitentiary House, for any Term not exceeding Two Years, although the principal Felon or Felons be concealed or be conveyed away, or be not before convicted of any such Felony as aforesaid, and whether he, she or they is or are amenable to Justice or not; any Law or Statute to the contrary notwithstanding: Provided always, that any such Offender, after having been prosecuted and convicted under this Act, shall not for the same Offence be afterwards punished, or liable to be punished, as an Accessory before the Fact, the principal Felon or Felons shall be afterwards convicted.

Accessories before the Fact, in certain Cases.

Punishment.

Proviso as to Double Punishment.

CAP.

CAP. XXXIX.

An Act for preventing Frauds upon Creditors, by Secret Warrants of Attorney to confess Judgment. [24th *June* 1822.]

'WHEREAS Injustice is frequently done to Creditors by 'Secret Warrants of Attorney to confess Judgments for 'securing the Payment of Money; whereby Persons in a State of 'Insolvency are enabled to keep up the Appearance of being in 'good Circumstances, and the Persons holding such Warrants of 'Attorney have the Power of taking the Property of such In-'solvents in Execution at any Time, to the Exclusion of the rest 'of their Creditors:' For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty ninth Day of *September* next, if the Holder thereof shall think fit, every Warrant of Attorney to confess Judgment in any Personal Action, or a true Copy thereof, and of the Attestation thereof, and the Defeasance and Indorsements thereon, in case such Warrant of Attorney shall be given to confess Judgment in His Majesty's Court of King's Bench, at *Westminster*, or such a true Copy thereof as aforesaid, in case such Warrant of Attorney shall be given to confess Judgment in any other Court, shall, within Twenty one Days after the Execution of such Warrant of Attorney, be filed, together with an Affidavit of the Time of the Execution thereof, with the Clerk of the Docquets and Judgments in the said Court of King's Bench.

Warrants of Attorney in Personal Actions to be filed within 21 Days.

II. And be it further enacted, That from and after the said Twenty ninth Day of *September* next, if at any Time after the Expiration of Twenty one Days next after the Execution of such Warrant of Attorney, a Commission of Bankrupt shall be issued against the Person who shall have given such Warrant of Attorney, under which he shall be duly found and declared a Bankrupt, then and in such Case, unless such Warrant of Attorney or a Copy thereof, shall have been filed as aforesaid, within the said Space of Twenty one Days from the Execution thereof, or unless Judgment shall have been signed, or Execution issued on such Warrant of Attorney within the same Period, such Warrant of Attorney and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees under such Commission, and such Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt at large, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

In what Case Warrant of Attorney, &c. deemed fraudulent and void.

'III. And Whereas the Object of the said Provsion may be de-'feated by any Person giving a *Cognovit Actionem* instead of a War-'rant of Attorney to confess Judgment;' Be it further enacted, That every *Cognovit Actionem*, given by any Defendant in any Personal Action, in case the Action in which such *Cognovit Actionem* shall be given shall be in the said Court of King's Bench, or a true Copy of such *Cognovit Actionem* in case the Action wherein the same is given shall be in any other Court, shall, together with an

Cognovit Actionem to be filed in like manner, or void against Creditors.

Affidavit of the Time of the Execution thereof, be filed with the said Clerk, in like manner as such Warrants of Attorney, or Copies thereof and Affidavits, within the Space of Twenty one Days after such *Cognovit Actionem* shall have been executed, otherwise such *Cognovit Actionem*, and any Judgment entered up thereon, and any Execution taken out on such Judgment, shall be deemed fraudulent and void against the Assignees of the Person giving such *Cognovit Actionem*, under a Commission of Bankrupt issued against him, after the Expiration of the said Space of Twenty one Days, in like manner as Warrants of Attorney, and Judgments and Executions thereon, are deemed and taken to be fraudulent and void by this Act.

Defeasance of Warrant of Attorney, &c. written on same Paper.

IV. And be it further enacted, That if such Warrant of Attorney or Cognovit shall be given subject to any Defeasance or Condition, such Defeasance or Condition shall be written on the same Paper or Parchment on which such Warrant of Attorney or *Cognovit Actionem* shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant of Attorney or *Cognovit Actionem* shall be null and void to all Intents and Purposes.

Officer of Court to keep a Book containing List and Particulars of each Warrant of Attorney and Cognovit.

V. And be it further enacted, That the said Officer of the said Court of King's Bench shall cause every Warrant of Attorney and *Cognovit Actionem* in any Personal Action, and every Copy thereof, filed in his said Office, to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be fairly entered an alphabetical List of every such Warrant of Attorney or Cognovit, containing therein the Names and Additions and Descriptions of the respective Defendants or Persons giving such Warrants of Attorney or Cognovits, and also the Names, Additions and Descriptions of the Plaintiff or Persons in whose Favour the same shall have been given, together with the Number and the Dates of the Execution and Filing of the same, or of a Copy thereof respectively, and the Sums for which Judgment is to be entered up, and also the Sums which are specified to be paid by the Defeasances or Conditions in each Warrant of Attorney or *Cognovit Actionem*, and the Times when the same are thereby made payable, according to the Form contained in the Schedule to this Act; which said Book or Books, and every Warrant of Attorney and *Cognovit Actionem*, or Copy thereof, filed in the said Office, shall be searched and viewed by all Persons at all seasonable Times, paying to the Officer for every Search against One Person, the Sum of Six Pence, and no more.

Fee.

Fee for filing.

VI. And be it further enacted, That the said Officer shall be entitled to receive, for his Trouble in filing and entering such Warrant of Attorney or Cognovit, or a Copy thereof as aforesaid, the Sum of One Shilling and no more.

Office Copies had on paying for.

VII. And be it further enacted, That any Person shall be entitled to have an Office Copy of each Warrant of Attorney or *Cognovit Actionem*, or of the Copy thereof, filed as aforesaid, upon paying for the same at the like Rate as for Office Copies of Judgments in each of such Courts respectively.

Satisfaction entered on Warrants of Attorney and Cognovits.

VIII. And be it further enacted, That it shall be lawful for any of the Judges of the Court in which such Warrant of Attorney or *Cognovit Actionem* is given, to order a Memorandum of Satisfaction to be written upon such Warrant of Attorney, *Cognovit Actionem* or Copy thereof respectively, as aforesaid, if it shall appear to

to him that the Debt for which such Warrant of Attorney or *Cognovit Actionem* is given as a Security shall have been satisfied or discharged.

SCHEDULE.

NAME, &c. of the person giving the Warrant of Attorney or Cognovit.	NAME, &c. of Person for whom given.	Whether Warrant of Attorney or Cognovit; and Number.	DATE of Execution.	DATE of Filing.	SUM for which given.	DEFEASANCE.
A. B. of Manufacturer.	*C. D.* of Merchant.	Warrant of Attorney. No. 1.	Jan. 1. 182	Jan. 10.	£1,000.	To secure £500, payable, &c.

CAP. XL.

An Act for consolidating into One Act and amending the Laws relating to idle and disorderly Persons, Rogues and Vagabonds, incorrigible Rogues and other Vagrants in *England*. [24th *June* 1822.]

'WHEREAS it is expedient to amend the several Laws now in Force relating to idle and disorderly Persons, Rogues and Vagabonds, incorrigible Rogues and other Vagrants in *England*; and it would tend to simplify the same, if the several Provisions relating to such Offenders were consolidated into one Act:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Provisions heretofore made and now in Force relative to idle and disorderly Persons, Rogues and Vagabonds, incorrigible Rogues or other Vagrants, in *England*, or any or either of such Offenders, shall be and the same are hereby repealed: Provided always, that nothing in this Act contained shall in any wise be deemed to alter any Law now in Force for the Removal of poor Persons born in *Scotland*, *Ireland* or the *Isles of Man*, *Jersey* and *Guernsey*, and becoming chargeable to Parishes in *England*, such Persons not having committed Acts of Vagrancy as hereinafter described, nor any Law now in Force relating to Lunatic Vagrants.

Former Provisions relating to Rogues, &c. repealed.

Proviso for Removal of Persons born in Scotland, &c.

Threatening to run away and leave Wife or Children.

Refusing to work.

Returning without Certificate.

Common Prostitutes, &c.

Punishment.

II. And be it further enacted, That all Persons who threaten to run away and leave their Wives or Children chargeable to any Parish, Township or Place; all Persons who, being able to work, and thereby or by other Means to maintain themselves and Families, shall wilfully refuse or neglect so to do, by which Default or Neglect they or any of them shall become chargeable to any Parish, Township or Place; and all Persons who shall return to any Parish, Township or Place from whence they have been legally removed by Order of Two Justices of the Peace, and shall there become chargeable, without producing a Certificate owning them to be settled elsewhere; and all common Prostitutes or Night Walkers wandering in the public Streets or public Highways, not giving a satisfactory Account of themselves, shall be deemed idle and disorderly Persons; and it shall and may be lawful for any Justice of the Peace to commit such Offenders (being thereof convicted before him, by his own View, or by his, her or their own Confession, or by the Oath of One or more credible Witness or Witnesses,) to the House of Correction, there to be kept to hard Labour for any Time not exceeding One Calendar Month.

Certain Offenders herein described, deemed Rogues and Vagabonds.

III. And be it further enacted, That all Persons going about as Gatherers of Alms, under false Pretence of Loss by Fire or by other Casualty, or as Collectors under any false Pretence, all Bearwards, all common Stage Players, and all Persons who shall for Hire, Gain or Reward, act, represent or perform, or cause to be performed, any Interlude or Entertainment or Entertainments of the Stage, or any Part or Parts therein, such Persons not being authorized by Law; all Persons pretending to be Gipsies; all Persons pretending to tell Fortunes, or using any subtle Craft, Means or Device, by Palmistry or otherwise, to deceive and impose on any of His Majesty's Subjects, or playing or betting at any unlawful Game; and all Persons who run away and leave their Wives or Children chargeable to any Parish, Township or Place; and all Petty Chapmen and Pedlars wandering abroad, not being duly licensed, or otherwise authorized by Law; and all Persons wandering abroad, and lodging in Alehouses, Barns, Outhouses, or in the open Air, or under Tents, or in Carts or Waggons, and not giving a good Account of themselves; and all Persons openly exposing or exhibiting in any Street, Road, Public Place or Highway any indecent Exhibition, or openly and indecently exposing their Persons; and all other Persons wandering abroad, or placing themselves in Streets, Public Places, Highways, Courts or Passages to beg or gather Alms, or causing or procuring or encouraging any Child or Children so to do, or endeavouring, by the Exposure of Wounds or Deformities, to effect the same Purpose; and all Persons who shall be apprehended having in Possession any Picklock Key, Crow, Jack, Bit or other Implement with Intent feloniously to break and enter into any Dwellinghouse, Warehouse, Coachhouse, Stable or Outbuilding, or having in Possession any Gun, Pistol, Hanger, Cutlass, Bludgeon or other offensive Weapon, with Intent to assault any Person or Persons, or commit any other illegal Act, or who shall be found in or upon any Dwellinghouse, Warehouse, Coachhouse, Stable or Outhouse, or Area, or in any inclosed Yard, Garden or Place, and shall not be able to give a good Account of themselves, or who shall frequent any River, Canal or navigable Stream, Dock or Basin, or any Quay

Quay or Warehouse near or adjoining thereto, or the Avenues to any such Quay or Warehouse, or the Streets or Highways leading thereto, or any Place of public Resort, the Avenues leading thereto, or the Streets, Highways or Places adjacent, with Intent to commit Felony on the Persons or Property of any of His Majesty's Subjects; and all Persons imposing or endeavouring to impose upon any Churchwarden or Overseer of the Poor, or upon a Charitable Institution or Private Individual, by any false and fraudulent Representation, either Verbally or in Writing, with a view to obtain Money or some other Advantage or Benefit, shall be deemed Rogues and Vagabonds, within the true Intent and Meaning of this Act.

Who shall be deemed incorrigible Rogues.

IV. And be it further enacted, That all Persons apprehended as Rogues and Vagabonds, and escaping from the Person or Persons apprehending them, or refusing to go before a Justice or Justices of the Peace, to be examined before such Justice or Justices, or knowingly giving a false Account of themselves on such Examination, after Warning given them of their Punishment; and all Persons who shall break or escape out of any Gaol or House of Correction, before the Expiration of the Term for which they were committed or ordered to be confined by virtue of this Act, or who being charged with any Offence against this Act, and being bound by Recognizance, in manner hereinafter mentioned, to appear at the next General or Quarter Sessions of the Peace, shall neglect to appear accordingly; and all Persons who, after having been adjudged to be Rogues and Vagabonds, and then discharged, shall again commit any Offence under this Act, shall be deemed incorrigible Rogues, within the true Intent and Meaning of this Act.

Any Person may apprehend Offenders.

V. And be it further enacted, That if any Person shall be found offending against this Act, it shall and may be lawful for any Person whatsoever, without any Warrant for that Purpose, to apprehend, and to carry and convey, or cause to be carried and conveyed, the Person so apprehended, together with any Horse, Mule, Ass, Cart, Car, Caravan or other Vehicle in the Possession or Use of such Person, before some Justice of the Peace, to be dealt with in such manner as is hereinafter directed; and in case any Watchman, Constable or other Peace Officer shall refuse or wilfully neglect to use his best Endeavours to apprehend or convey to some Justice of the Peace any such Offender, it shall be deemed a Neglect of Duty in such Watchman, Constable or other Peace Officer, and he shall on Conviction be punished in such manner as is hereinafter directed; and in case any other Person, being charged by any Justice of the Peace so to do, shall refuse or wilfully neglect to use his best Endeavours to apprehend and deliver such Offender to a Constable, Watchman or such other Peace Officer, or to carry him, her or them before such Justice of the Peace, where no Watchman, Constable or other such Peace Officer can be found, such Person so refusing or wilfully neglecting as aforesaid, being thereof convicted, upon View or by the Oath of One or more credible Witness or Witnesses, before one or more Justice or Justices of the Peace, shall forfeit and pay the Sum of Twenty Shillings, to the Use of the Poor of the Parish or Place wherein such Offence shall be committed, to be levied by Distress and Sale of the Offender's Goods, by Warrant from any Justice or Justices, and the Overplus (if any) after the Charges of such Distress are satisfied, shall be returned to such

Constables, &c. neglecting Duty.

Punishment.

Refusing to apprehend Offenders.

Penalty 20s. levied by Distress.

Person so convicted; and in case any Person not being a Constable or such other Officer, shall apprehend any Person offending against this Act, and shall deliver him or her to a Constable, Watchman or other Peace Officer, or shall convey or cause him or her to be conveyed to some Justice of the Peace, according to the Directions of this Act; or if any Constable, Watchman or other such Peace Officer, shall so apprehend and convey such Person so offending, it shall and may be lawful for such Justice, if he shall think fit, by Warrant under his Hand and Seal, to order any Overseer of the Poor of the Parish or Place wherein such Act of Vagrancy shall be committed, to pay to such Constable or Officer, or other Person or Persons so apprehending such Offender, a Sum of Money, not exceeding Five Shillings for every Offender so apprehended, which Sum shall be allowed to such Overseer in his Account, he producing the Justice's Order, and a Receipt under the Hand of the Constable or Officer, or other Person or Persons to whom such Sum was paid; and if such Overseer shall neglect or refuse to pay the said Sum, the said or any other Justice, on Oath thereof made, may, by Warrant under his Hand and Seal, order the same to be levied by Distress and Sale of the Goods of such Overseer, and the Overplus (if any), after the Charges of such Distress are satisfied, shall be returned to such Overseer, who in such case shall not be allowed the Sum so levied in his Accounts.

Apprehending a Vagrant.

Reward.

Justices to examine Persons apprehended, and if Matter proved, commit them.

VI. And be it further enacted, That when any Rogue and Vagabond, or incorrigible Rogue, shall be apprehended by any Constable, or Person as aforesaid, and brought before any Justice or Justices of the Peace, it shall and may be lawful for such Justice or Justices, and he or they are hereby required, to inform himself or themselves, by Examination of the Person or Persons apprehended, or of any other Person upon Oath, of the Matter alleged and charged against the Person or Persons so apprehended, and if such Matter be proved, to commit such Person or Persons to the Common Gaol or House of Correction, there to remain until the next General or Quarter Sessions of the Peace, or for any time not exceeding Three Months nor less than One Month, as such Justice or Justices shall think proper; and every such Offender who shall be so committed to the said Gaol or House of Correction shall be there kept to hard Labour during the Period of his or her Imprisonment therein: Provided always, that it shall be in the Discretion of the Justice or Justices of the Peace before whom any Person apprehended as a Rogue and Vagabond, or idle and disorderly Person, shall be brought, either to commit or discharge such Person, although an Act of Vagrancy be proved against the Person so charged: Provided also, that it shall be in the Discretion of such Justice or Justices, on discharging any such Rogue and Vagabond, or idle and disorderly Person, to bind him or her in a sufficient Recognizance to appear before the Justices at their next General or Quarter Sessions of the Peace, to answer such Charge or Charges as shall then be alleged against him or her respectively.

Persons committed kept to hard Labour.

Justices may commit or discharge.

Bail on charge of Acts of Vagrancy.

Vagrants searched, Trunks, Bundles, &c. inspected.

'VII. And Whereas it often happens that Persons who are in 'Possession of Money or other Property commit Acts of Vagrancy;' Be it therefore enacted, That every Justice of the Peace by whom any Person shall be adjudged to be a Rogue and Vagabond, or incorrigible Rogue, shall order such Rogue and Vagabond or incorrigible

rigible Rogue to be searched, and his or her Trunks, Boxes, Bundles, Parcels or Packages to be inspected, in the Presence of the said Justice, and shall also search or cause to be searched the Persons so offending, together with any Cart, Car, Caravan or other Vehicle which may have been found in his, her or their Possession or Use; and it shall and may be lawful for the said Justice to order any Money which may be then found to be paid, or so much of such other Effects found with or upon such Rogue and Vagabond or incorrigible Rogue, to be sold and applied for and towards the Expence of apprehending, conveying to Gaol or to the House of Correction, and maintaining such Rogue and Vagabond or incorrigible Rogue, during the Time for which he or she may be committed, returning the Overplus (if any there be), after deducting the Charges of such Sale, to the said Rogue and Vagabond, or incorrigible Rogue.

Effects found upon Vagrants sold, and applied towards Expences of maintaining, &c.

VIII. And be it further enacted, That when any Justice or Justices as aforesaid shall commit any such Offender against this Act to the Common Gaol or House of Correction, there to remain till the next General or Quarter Sessions, the said Justice or Justices shall require the Person or Persons by whom such Offender shall be apprehended, to become bound in Recognizance to His Majesty, His Heirs and Successors, to appear at the said General or Quarter Sessions, to prosecute and give Evidence against such Offender touching his said Offence; and the Justices, at their said General or Quarter Sessions, are hereby authorized and empowered, at the Request of any Person who shall become bound in any such Recognizance to prosecute or give Evidence against such Offender, to order the Treasurer of the County, Riding, Division or Place in which the Offence shall have been committed, to pay unto such Prosecutor and Witnesses respectively such Sum and Sums of Money as to the said Justices shall seem reasonable and sufficient to reimburse such Prosecutor and Witnesses respectively, for the Expences they shall have been severally put to, and for their Trouble and loss of Time in and about such Prosecution; which Order of the said Justices the Clerk of the Peace for the said County is hereby directed and required forthwith to make out and deliver unto such Prosecutor, upon being paid for the same the Sum of Two Shillings, and no more; and the Treasurer of the said County, Riding, Division or Place is hereby authorized and required upon Sight of such Order forthwith to pay such Prosecutor or other Person authorized to receive the same such Money as aforesaid, and he shall be allowed the same in his Account.

Justices may bind Persons by Recognizance to prosecute Vagrants at Sessions.

Power of Sessions to order Payment of Expences to Prosecutors and Witnesses.

Fee to Clerk of the Peace on Delivery of Order.

IX. And be it further enacted, That where any Offender against this Act shall be committed as aforesaid to the Common Gaol or House of Correction, there to remain until the next General or Quarter Sessions of the Peace, and the Justices at such Sessions shall, on Examination of the Circumstances of the Case, adjudge such Person a Rogue and Vagabond, or an incorrigible Rogue, they may, if they think fit, order such Rogue and Vagabond to be detained in the said House of Correction, there to be kept to hard Labour for any Time not exceeding Six Calendar Months, and such incorrigible Rogue for any further Time not exceeding One Year, nor less than Six Calendar Months, from the Time of making such Order of Sessions; and during the Time of such Person's Confinement

Power of Sessions to detain and keep to hard Labour, and punish by Whipping, (not being Females,) Rogues and Vagabonds and incorrigible Rogues.

ment to be corrected by Whipping (not being a Female) at such Times and Places within their Jurisdictions, as, according to the Nature of such Person's Offence, they, in their Discretion, shall think fit; and in case any such Person shall have been before adjudged an incorrigible Rogue, it shall and may be lawful for the Justices at such Sessions to order such Person to be imprisoned in any Common Gaol or House of Correction, there to be kept to hard Labour for any Time or Term not exceeding Two Years, and during such Confinement to be further corrected by Whipping as aforesaid, if the said Justices, in their Discretion, shall think fit.

Visiting Justices may order a Portion of Earnings to be paid to Offenders when discharged.

X. And be it further enacted, That when any such Offender as aforesaid, who shall have been committed to the Gaol or House of Correction, shall be duly discharged therefrom, it shall and may be lawful for the Visiting Justices of the said Gaol or House of Correction, or any one of them, to order and direct such Portion of the Earnings of such Offender, during his or her Confinement therein, or such Sum of Money, to be paid by the Gaoler or Keeper of the said Gaol or House of Correction to such Offender, as such Justice or Justices in their Discretion shall think fit; which Sum shall be repaid to the said Gaoler or Keeper of the Gaol or House of Correction by the Treasurer of the County, Riding or Division in which such Gaol or House of Correction is situated, who shall be allowed the same in his Account.

Repaid by Treasurer of County.

Officers neglecting their Duties, &c.

XI. And be it further enacted, That in case any Churchwarden, Overseer, Watchman, Constable or other Peace Officer, shall neglect his Duty in any thing required of him by this Act, in any Case for which no Punishment is hereinbefore particularly provided; or in case any Person or Persons shall disturb or hinder any Churchwarden, Overseer, Watchman, Constable or other Peace Officer, in the Execution of this Act, or shall be aiding, abetting or assisting therein, and shall be thereof convicted, upon the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace where such Offence shall be committed (which Oath the said Justice or Justices are hereby empowered to administer), the Person or Persons so offending for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings, to be paid to the Treasurer of the County, Riding, Division or Place where such Offence shall be committed, and to be levied by Distress and Sale of the Offender's Goods, by Warrant from such Justice or Justices, returning the Overplus (if any be), upon Demand, after the said Forfeiture and Charges of making and keeping the said Distress shall be paid and satisfied; and if sufficient Distress cannot be found, it shall and may be lawful to and for One or more such Justice or Justices to commit the Persons so offending to the House of Correction, there to be kept to hard Labour for any time not exceeding Three Calendar Months.

Penalty.

Distress.

Imprisonment.

On Conviction of Officers, &c. Justices to make Order for Payment of Expences of Prosecution.

XII. And be it further enacted, That from and after the passing of this Act, in case any Constable, Overseer of the Poor, or other Peace or Parish Officer, shall be convicted before any Two or more Justices for any Neglect of Duty, or of any Disobedience of any lawful Warrant or Order of any Justice or Justices, and such Two or more Justices shall impose any Fine or Fines, or direct any Penalty or Penalties to be paid by such Officer or Person as

as aforesaid, or to be levied on his and their Goods and Chattels, under and by virtue of the Powers given to Justices by an Act passed in the Thirty third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers and other Peace or Parish Officers, for Neglect of Duty, and on Masters of Apprentices for ill Usage of such their Apprentices, and also to make Provision for the Execution of Warrants of Distress granted by Magistrates*, or under any other Powers enabling such Justices in that Behalf, then and in every such Case it shall and may be lawful for such Justices, upon Conviction of any such Offender, to reimburse and allow to the Person or Persons on whose Complaint or Information such Offender shall be convicted, all necessary Costs and Expences which such Persons or Person may thereby have incurred, or by any Appeal made in consequence thereof, by making an Order under their Hands and Seals upon the Treasurer of the County, Riding, Division or Liberty, to pay to such Person or Persons the Amount of such Costs and Expences, on producing the said Order and giving a Receipt for the same, and the same shall be allowed the said Treasurer in his Account.

33 G. 3. c. 55.

Costs.

XIII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, upon Information on Oath before him made, that any Persons hereinbefore described to be idle and disorderly Persons, Rogues and Vagabonds or incorrigible Rogues, are or are reasonably suspected to be harboured or concealed in any House or Houses kept or purporting to be kept for the Reception, Lodging or Entertainment of any poor Traveller or Travellers, by Warrant under his Hand and Seal, to authorize any Constable or other Person or Persons to enter at any time into such House or Houses, and to apprehend and bring before him, or any other Justice or Justices, all Persons found therein, and so suspected as aforesaid; and if, on examining such Person or Persons so apprehended and brought as aforesaid, it shall appear to such Justice or Justices that they, or any or either of them, or cannot give a satisfactory Account of themselves, it shall and may be lawful for such Justice or Justices to commit him, her or them to the Common Gaol or House of Correction, there to be dealt with in the same manner as Rogues and Vagabonds or incorrigible Rogues are hereinbefore directed to be dealt with by this Act.

Lodging Houses, kept for poor Travellers may be searched, and suspected Persons brought before a Justice.

Not giving Account of themselves, committed.

'XIV. And Whereas Women hereinbefore described to be idle 'and disorderly Persons, Rogues and Vagabonds, or incorrigible 'Rogues, are often delivered of Bastard Children in Parishes and 'Places to which they do not belong, whereby the said Children 'become chargeable to the same;' Be it therefore enacted, That where any such Woman shall be so delivered, the Child of which she is delivered shall not be settled in the Place where so born, but the Settlement of such Woman shall be deemed the Settlement of such Child; any Law to the contrary notwithstanding.

Bastards to have the Settlement of the Mother.

XV. And be it further enacted, That any Person or Persons aggrieved by any Act of any Justice or Justices of the Peace out of Sessions, in or concerning the Execution of this Act, may appeal to the next General or Quarter Sessions for the County, Riding, Liberty or Division, giving Fourteen Days' Notice thereof, and of the Matter thereof, to the Person or Persons whose Act or Determination

Appeal to next Sessions.

mination shall be appealed against, and entering into a Recognizance before any Justice of the Peace for the County or Place in which such Person shall have been convicted, with sufficient Surety, to try and prosecute such Appeal, and the Order of such General or Quarter Sessions thereupon shall be final.

Final.

Justices to grant Certificates for Relief to Soldiers and Sailors only. 43 G. 3. c. 61.

XVI. And be it further enacted, That from and after the passing of this Act, no Justice of the Peace, Mayor or other Magistrate, shall give or grant to any Person or Persons, other than a Person entitled thereto under and by virtue of an Act passed in the Forty third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Relief of Soldiers, Sailors and Marines, and of the Wives of Soldiers, in the Cases therein mentioned, so far as relates to* England, any Certificate or other Instrument, enabling such Person or Persons to ask Alms or Relief in their Route to any Place or Places, or for any other Purpose whatever; and all Persons asking Alms or Relief under and by virtue of any such Certificate or other Instrument as aforesaid, save and except as aforesaid, are hereby liable to be declared to be Rogues and Vagabonds in like manner as if they had possessed no such Certificate, or other Instrument as aforesaid.

Names of Overseers, Constables, &c. affixed on Door of Churches, &c.

XVII. And be it further enacted, That within Six Weeks after the passing of this Act, the Constable of every Parish, Town and Place, or Officer acting as such, shall cause to be stuck up and affixed, in clear and legible Letters, and so to be kept and continued, either on the Outer Doors, Porch or Entrance of any Parish Church, Chapel of Ease, Market House, Town Hall, Vestry, Watch-house or other convenient and conspicuous Building or Place, within their respective Parishes, Towns and Places, the Names at full Length, and the Places of Abode of every Overseer of the Poor, Headborough, Constable and Tythingman, for the Time being, residing within and acting for their respective Parishes, Towns or Places; and if any Person shall destroy or deface such Notice, he shall, on Conviction upon the Oath of One Witness, or by voluntary Confession before any Justice of the Peace, forfeit and pay the Sum of Ten Shillings, or in Default of Payment be imprisoned in the Common Gaol for the Space of Seven Days.

Defacing such Notice.

Penalty, 10s.

'XVIII. And to defray the Expences of apprehending and 'maintaining Rogues, Vagabonds and incorrigible Rogues, and 'likewise the Expences of sending Persons to and from Houses of 'Correction, and for defraying all other Expences necessary for 'the Execution of the same, not hereinbefore provided for;' Be it further enacted, That the Justices of the Peace, at the General or Quarter Sessions of the Peace, may and shall cause such Sums of Money as shall be necessary for all or any of the Purposes aforesaid to be paid out of the County Rates.

Justices may defray Expences under this Act out of County Rates.

Form of Conviction.

XIX. And be it further enacted, That no Proceeding to be had before any Justice or Justices of the Peace under the Provisions of this Act shall be quashed for Want of Form; and every Conviction of any Offender against this Act shall and may be in the Form or Effect following; (that is to say),

'Middlesex, } BE it remembered, That on the
'to wit. } Day of in the Year of our Lord
'One thousand eight hundred and , at
'in the County of , *A. B.* is convicted before me *C. D.*

'One

'One of His Majesty's Justices of the Peace in and for the said 'County, of being a Rogue and Vagabond [*or* incorrigible Rogue] 'within the Intent and Meaning of the Statute made in the 'Year of the Reign of His Majesty King *George* the 'Fourth, intituled *An Act* [*here insert the Title of this Act*]; that 'is to say, for that the said *A. B.* on the Day of ', at in the said County, [*here state the 'Act of Vagrancy proved before the Magistrate.*] Given under my 'Hand and Seal, the Day, Year and at the Place first above 'written.'

Conviction transmitted to the Sessions, and a Copy thereof to be Evidence.

And the said Justice or Justices before whom any such Conviction shall take place shall, and he and they is and are hereby required to transmit the said Conviction, fairly transcribed upon Parchment, to the next General or Quarter Session of the Peace to be holden in and for the County, City, Riding, Division or Place wherein such Conviction shall have taken place, there to be filed and kept on Record; and a Copy of the Conviction so filed, duly certified by the Clerk of the Peace, shall and may be read in any Court of Record as Evidence.

In what Cases on Prosecution against Justices, &c. they are to have Treble Costs.

XX. And be it further enacted, That in all Cases where Proceedings shall be had against any Justice or Justices of the Peace, Constable or other Person, for or on account of any Matter or Thing whatsoever done, commanded or expressed by him or them, in the Execution of his or their Duty or Office, whether such Proceedings be by Action, Motion, Rule to shew Cause, Indictment, Information, Affidavit, Certiorari or any other Application or Process which may occasion or subject him or either or any of them to Trouble or Expences under this Act, the said Justice or Justices, Constable or other Person, if he or they shall recover or be exculpated, shall have any Sum not exceeding Treble Costs awarded to him or them, by the Judge, Court or Jurisdiction wherein such Proceedings shall have been had, commenced or determined, to be paid to the said Justice or Justices, Constable or other Person, by the Person or Persons so having proceeded, who shall discontinue his Suit, or become nonsuit, or shall have a Verdict against him, or shall have his Application in any manner whatsoever dismissed or ended, unless the Judge or Court shall certify that there was a reasonable Cause for such Proceeding, Information or Complaint.

No Double Punishment.

XXI. Provided always, and be it further enacted, That where by any Act or Acts of Parliament, any Person or Persons shall be directed to be punished as an idle and disorderly Person or as a Rogue and Vagabond or an incorrigible Rogue, then and in every such Case, whether such Person or Persons shall or shall not have committed any Act or Acts of Vagrancy, as hereinbefore set forth, every such Person or Persons shall be punished under the Provisions, Powers and Directions of this Act.

Proviso for 10 G. 2. c. 28. and all Acts relating to Players, &c.

XXII. And be it further enacted, That nothing in this Act shall extend or be construed to repeal an Act made in the Tenth Year of the Reign of His late Majesty *George* the Second, intituled *An Act to explain and amend so much of an Act made in the Twelfth Year of the Reign of Queen* Anne, *intituled* '*An Act for reducing* '*the Laws relating to Rogues, Vagabonds, sturdy Beggars and* '*Vagrants, into one Act of Parliament, and for the more effectual*

'*punishing*

'*punishing such Rogues, Vagabonds, sturdy Beggars and Vagrants,* '*and sending them whither they ought to be sent,*' *as relates to common Players of Interludes*, or any Part or Provision thereof, or any Act or Provision whatever relating to Players, Theatrical Representations or Places of Public Entertainment, save and except only, that when by any of the said Acts or Provisions any Person shall be deemed a Rogue and Vagabond for Default of Payment of any Penalty or Penalties inflicted by any of the said Acts or Provisions, such Persons shall be punished under the Provisions, Powers and Directions of this Act.

Limitation of Actions.

XXIII. And be it further enacted, That all Actions, Suits and other Proceedings under this Act shall be commenced within Three Calendar Months after the Cause of Action or Complaint shall have arisen; and if any Person or Persons shall be sued for any Matter or Thing which he, she or they shall do in the Execution of this Act, he, she or they may plead the General Issue and give the special Matter in Evidence.

General Issue.

Proviso for Acts in force in Scotland and Ireland.

XXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to the Repeal of any Act or Acts now in force in *Scotland* or *Ireland*, so far as regards those Parts of the United Kingdom respectively.

Continuance of Act.

XXV. And be it further enacted, That this Act shall continue in force until the First Day of *September* One thousand eight hundred and twenty four, and no longer.

CAP. XLI.

An Act to repeal divers ancient Statutes and Parts of Statutes, so far as they relate to the Importation and Exportation of Goods and Merchandize from and to Foreign Countries.

[24th *June* 1822.]

Statutes relating to Importation and Exportation of Goods, &c. previous to 12 Car. 2. remaining unrepealed.

'WHEREAS several Statutes and Acts of Parliament, or certain Parts thereof respectively, relating to the Importation and Exportation of Goods and Merchandize from Foreign Countries, and to the Regulations and Restrictions concerning such Importation and Exportation, made and passed at various Times before the Twelfth Year of the Reign of King *Charles* the Second, remain unrepealed although the same are inconsistent with or rendered unnecessary by the Acts made since that Time, and now in force, for the encouraging and increasing of Shipping and Navigation; and Doubts may be entertained how far the said Statutes or Acts, or some Parts thereof, may or may not be or remain in force or effect; and for the preventing of any Inconvenience which may arise from such Doubts, it is expedient that the said Statutes and Acts, or so much thereof as relate to the Importation and Exportation of such Goods, and to the Regulations and Restrictions concerning the same, should be expressly repealed and declared to be no longer in force or effect;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, so much and such Parts of the several Statutes hereinafter mentioned and recited, relating to the Import-

The Parts herein mentioned of certain Statutes relat-

ation of Goods, or to Commerce or Navigation, as are hereinafter specified and set forth, shall be repealed, that is to say;—So much of a Statute of uncertain Date, concerning Money, whereby it is forbidden on the King's Behalf, that none bring Money into the Country but only for his Expences;—and also, So much of the said Statute as relates to any Money so brought;—and also, So much of a Statute made in the Ninth Year of the Reign of King *Edward* the Third, whereby it is ordained and established, "That all Merchants, Strangers and Denizens, and all other and every of them, of what Estate or Condition soever they be, that shall buy or sell Corn, Wines, Avoirdupois, Flesh, Fish and all other Livings and Victuals, Wools, Cloths, Wares, Merchandizes and all other Things vendible, from whencesoever they come, by Foreigners or Denizens, at what Place soever it be, City, Borough, Town, Port of the Sea, Fair, Market or elsewhere within the Realm, within Franchise or without, may freely, without Interruption, sell them to what Persons it shall please them, as well to Foreigners as to Denizens, except always the Enemies of our Lord the King and his Realm;"—and also, So much of the said Statute whereby any Damages are given, or any Penalty or Punishment, or Loss of Franchise is imposed or inflicted, for any Disturbance to any Merchants, contrary to the said Statute;—and also, So much of the said Statute whereby it is ordained and established, "That no Alien or Denizen shall be troubled, but that he may freely buy such Things aforesaid in the said Places, and carry them where it pleaseth him;"—and also, So much of a Statute made in the Eleventh Year of the Reign of the said King *Edward* the Third, whereby it is accorded, "That no Man or Woman of *England*, *Ireland*, *Wales* or *Scotland*, (the King, Queen, and their Children only except,) shall wear no Cloth, other than is made in *England*, *Ireland*, *Wales* or *Scotland*, upon pain of Forfeiture of the same Cloth, and further to be punished at the King's Will;"—and also, So much of the said Statute, whereby it is accorded and established, "That no Merchant, Foreign nor Denizen, nor none other, shall bring or cause to be brought privily or openly, by himself nor by other, into the Lands of *England*, *Ireland*, *Wales* and *Scotland*, within the King's Power, any Cloths made in any other Places than in the same, upon the Forfeiture of the said Cloths, and further to be punished at the King's Will;"—and also, So much of a Statute made in the Fourteenth Year of the Reign of the said King *Edward* the Third, whereby it is granted or provided, "That all Merchants, Denizens and Foreigners, except those which be of the King's Enmity, may without Let safely come into the Realm of *England* with their Goods and Merchandize;"—and also, So much of a Statute made in the Eighteenth Year of the Reign of the said King *Edward* the Third, whereby it is granted or provided, "That the Sea be open to all Manner of Merchants, to pass with their Merchandize where it shall please them;"—and also, So much of a Statute made in the Twenty fifth Year of the Reign of the said King *Edward* the Third, whereby it is accorded, "That the said hereinbefore recited Statute, made in the Ninth Year of the said King *Edward* the Third, in all Points and Articles contained in the same, be holden, kept and maintained; and that if any Statute, Charter, Letters, Patents, Proclamation or Commandment,

ing to Importation, &c. repealed; viz. Stat. de Monetâ Temp. Incerti, (vulgo 20 E. 1.) 9 E. 3. st. 1. c. 1.

Freedom of Trade to Aliens and Denizens.

11 E. 3. c. 2, 3. Importation of Foreign made Cloths prohibited.

14 E. 3. st. 2. c. 2. General Freedom of Trade.

18 E. 3. st. 2. c. 3. Sea open to all Merchants.

25 E. 3. st. 3. (vulgo st. 4.) c. 2. confirming and enlarging st. 9. E. 3. st. 1. c. 1:

mandment, Usage, Allowance or Judgment be made to the contrary, the same shall be openly repealed, void and holden for none; and moreover, that every Merchant or other of what Condition he be, as well Alien as Denizen, that bring Wines, Flesh, Fish or other Victuals, Cloths, Woolfells, Avoirdupois or any other manner of Merchandizes or Chaffer, to the City of *London*, or other Cities, Boroughs or good Towns of *England*, or Ports of the Sea, may freely and without Challenge or Impeachment of any, sell them in Gross or at Retail, or by Parcels, at his Will, to all manner of People that will buy the same, notwithstanding any Franchises, Grants or Custom used, or any other thing done to the contrary;"

27 E. 3. st. 1. c. 6. Wines from Gascony.

— and also, So much of a Statute made in the Twenty seventh Year of the Reign of the said King *Edward* the Third, whereby it is ordained and established, "That all Merchants, *Gascoins* and other Strangers, may safely bring their Wines into *England*, to what Port that shall please them, and thereof make their Profits;"

27 E. 3. st. 1. c. 5. 7. Forestalling Wines.

— and also, So much of the said last mentioned Statute as relates to the buying or engrossing or forestalling of Wines in *Gascoigne*, and as imposes any Penalty or Forfeiture in respect of such buying, engrossing or forestalling;

27 E. 3. st. 1. c. 8. Gauging Wines.

— and also, So much of the said last mentioned Statute, as relates to the gauging of Wines by the King's Gauger or his Deputy;

27 E. 3. st. 2. c. 2. Freedom of Trade.

— and also, So much of the Statute or Ordinance of the Staples made in the Twenty seventh Year of the Reign of the said King *Edward* the Third, whereby it is ordained, established or provided, "That all Merchants Strangers which be not of the King's Enmity, of what Land or Nation that they be, may safely and surely come and dwell in the Realm of *England* and Land of *Wales* where they will, and from thence return with their Ships, Wares and all manner of Merchandizes, and freely sell their Merchandizes at the Staple and elsewhere within the same Realm and Lands, to any that will buy them;"

28 E. 3. c. 13. Merchants coming freely to any Ports.

— and also, So much of a Statute made in the Twenty eighth Year of the Reign of the said King *Edward* the Third, whereby it is accorded and established, "That no manner of Ship, which is fraught towards *England* or elsewhere, be compelled to come to any Port of *England*, nor there to abide, against the Will of the Masters and Mariners of the same, or of the Merchants whose the Goods be; and if such Ships come of their own good Will or be driven by Tempests or other Misfortune or Mischief, to any Port in *England*, and the Masters, Mariners or Merchants of the same Ships will sell or deliver Part of their Merchandizes with their good Will, it shall be lawful for every Man to buy such Merchandize freely without Impeachment, in the Port where such Ships shall come, albeit the said Merchandizes be not put to land to sell; so that the Masters, Mariners and Merchants, after that they have sold that which pleaseth them of their said Goods, and paid thereof the Customs, may freely depart and go with their Ships and all the Remnant of their Goods whither it shall please them, without Custom thereof to be paid;

31 E. 3. st. 1. c. 5. Gauging Wine.

— and also, So much of the said last mentioned Statute as imposes any Forfeiture upon disturbing or hindering such Merchants; — and also, So much of a Statute made in the Thirty first Year of the Reign of the said King *Edward* the Third, in the Parliament holden at *Westminster*, on the *Monday* next after *Easter* Week, as relates to the Contents of Tuns of Wine and the Gauging thereof; —

thereof;—and also, So much of a Statute made in the Thirty seventh Year of the Reign of the said King *Edward* the Third, whereby the Statutes of Wines of the Twenty seventh Year of the said King is confirmed or altered or amended;—and also, So much of a Statute made in the Thirty eighth Year of the Reign of the said King *Edward* the Third, whereby it was ordained that all Merchants, as well Aliens as Denizens, may sell and buy all manner of Merchandizes, and freely carry them out of the Realm;—and also, So much of the said last mentioned Statute, whereby it is accorded and assented, "That no Owner shall lose his Ship for a small Thing put within the Ship not customed, without his Knowledge or Privity;"—and also, So much of the said last mentioned Statute, whereby it is assented, "That the Statutes and Ordinances made as to the Merchandize of Wines, and of those that pass the Sea to fetch Wines in *Gascoigne*, shall stand in force;"—and also, So much of the said last mentioned Statute, whereby it is granted or provided, "That the *Gascoignes*, and all other Aliens, may come into the Realm with their Wines and freely sell them without any Disturbance or Impeachment;" and whereby it is saved to the King, "That it may be lawful for him, whensoever it shall seem meet to him and his good Council, to ordain on this Article in the manner as best shall seem to him, for the Profit of him and his Commons;"—and also, So much of a Statute made in the Forty second Year of the Reign of the said King *Edward* the Third, whereby it is assented and accorded, "That no *Englishman* shall pass into *Gascoigne* to seek Wines there, but they shall be brought into *England* by the *Gascoignes* and other Aliens; and that all the Ships of *England* and of *Gascoigne* that cometh into *Gascoigne*, shall be first freighted to bring Wines into *England* before all other;"—and also, So much of a Statute made in the Forty third Year of the Reign of the said King *Edward* the Third, whereby it is ordained, "That all Merchants, Aliens and Denizens, may freely go through *England*, *Ireland* and *Wales*, and buy and sell Wool, Woolfells and Leather and all other Merchandizes at their Will, without Impeachment or Disturbance;"—and also, So much of the said Statute made in the Forty third Year of the Reign of the said King *Edward* the Third, as relates to *Englishmen*, *Irishmen* or *Welshmen*, passing into *Gascoigne* to fetch Wines there;—and also, So much of a Statute made at *Gloucester*, in the Second Year of the Reign of King *Richard* the Second, whereby it is ordained and established, "That all Merchants, Aliens of what Realms, Countries or Seignories that they come, which be of the Amity of the King and of his Realm, may safely and surely come within the Realm of *England*, and in all Cities, Boroughs, Ports of the Sea, Fairs, Markets or other Places within the Realm, within Franchise and without may abide with their Goods and all Merchandizes, under the Safeguard and Protection of the King as long as shall please them, without Disturbance or Denying of any Person; and that as well those Merchants Aliens as Denizens whatsoever and every of them, that will buy and sell Corn, Flesh, Fish and all manner other Victuals and Sustenance and also all manner of Spiceries, Fruit, Tea and all manner of small Wares, as Silk, Gold Wire or Silver Wire, Coverchiefs and other such small Ware, may freely and without Denying or any manner of Disturbance, as well in the City of *London* as in all

37 E. 3. c. 16. confirming 27 E. 3. st. 1. c. 5, 6, 7.

38 E. 3. st. 1. c. 2. Freedom of Trade.

38 E. 3. st. 1. c. 8. Loss of Ship for uncustomed Goods.

38 E. 3. st. 1. c. 10. confirming 27 E. 3. st. 1. c. 5, 6, 7.

38 E. 3. st. 1. c. 11. Importation of Wines by Aliens.

42 E. 3. c. 8. Importation of Wines from Gascony.

43 E. 3. c. 1. Purchase of Wools.

43 E. 3. c. 2. Buying Wines in Gascony.

2 R. 2. st. 1. c. 1. Freedom of Trade to all Merchants in Amity.

Cities, Boroughs, Ports of the Sea, Fairs, Markets and other Places within the Realm, sell and buy in gross or by Parcels, to whom and of whom they please, Denizens or Foreign, except the King's Enemies; and except also, that all manner of Wines shall be sold by the said Strangers in gross, as in the said Statute is mentioned; and as to all other great Wares, as Cloth of Gold and Silver, Silk, Sendal, Napery, Linen Cloth, Canvas and other such great Wares, and also all manner of other great Merchandizes not above expressed whatsoever they be, as well Aliens as Denizens, as well in the City of *London* as in other Cities, Boroughs, Ports of the Sea, Towns, Fairs, Markets and elsewhere through the said Realm, within Franchise and without, may sell the same in gross only, to every Person Foreign or Denizen that will buy the same, freely and without denying (except as in the said Statute is excepted); notwithstanding any Statutes, Ordinances, Charters, Judgments, Allowances, Customs and Usages made or suffered to the contrary; which Charters and Franchises, if any there be, shall be utterly repealed, as a Thing made, used or granted against the common Profit in oppression of the People;"—and also, So much of the said last mentioned Statute, whereby any Damages are given, or any Penalty or Punishment, or Loss of Franchise is imposed or inflicted for any Disturbance, to any Merchant, contrary to the said Provisions of the said Statute;—and also, So much of the said last mentioned Statute, whereby it is ordained or assented, "That all Merchants of *Genoa*, *Venice*, *Catalonia*, *Arragon* and of other Realms, Lands and Countries towards the West, being of the King's Amity, that will bring to *Hampton* or elsewhere within the Realm, Carracks, Ships, Gallies or other Vessels charged or discharged, may there freely sell their Merchandizes to whom they please, and there recharge their Vessels with Wools, Leather, Woolfells, Lead, Tin and other Merchandizes of the Staple, and freely carry them into their Country towards the West, under the Regulations in the said Statute mentioned and contained;"—and also, So much of a Statute made in the Fourth Year of the Reign of the said King *Richard* the Second, as relates to the gauging of all Vessels of Wine, Honey, Oil and other Liquors brought into the Realm;—and also, So much of a Statute made in the Fifth Year of the Reign of the said King *Richard* the Second, in a Parliament holden on the Morrow after *All Souls*, whereby it is assented and accorded, "That none of the King's liege People do ship any Merchandize in going out or coming within the Realm of *England*, in any Port or any where, but only in Ships of the King's Ligeance; and that every Person of the said Ligeance, which do ship and merchandize in any other Ships or Vessels upon the Sea than of the said Ligeance, shall forfeit to the King all his Merchandizes shipped in other Vessels, or the Value of the same;"—and also, So much of a Statute made in the said Fifth Year of the Reign of the said King *Richard* the Second, in the Parliament holden on the Morrow of *Saint John Port Latin*, whereby it is accorded and assented, "That all manner of Merchants Strangers, of whatsoever Nation or Country they be, being of the Amity of the King and of his Realm, shall be welcome, and freely may come within the Realm of *England* and elsewhere within the King's Power, as well within Franchise as without, and

2 R. 2. st. 1. c. 3. Merchants of Genoa and the West.

4 R. 2. c. 1. Gauging Wine, &c.

5 R. 2. st. 1. c. 3. Subjects to freight none but English Ships.

5 R. 2. st. 2. c. 1. Freedom of Trade for Merchants in Amity.

and there to be conversant to Merchandize, and tarry as long as them liketh, as those whom our said Lord the King taketh into his Protection and Safeguard, with their Goods, Merchandizes and all manner Familiars; and that they and every of them, with their Merchandizes and all manner of Goods, be suffered to go and come without Disturbance or Impeachment of any;—and also, So much of a Statute made in the Sixth Year of the Reign of the said King *Richard* the Second, whereby it is ordained and granted, "That the Statute made in the Fifth Year of the said King *Richard* the Second (and hereinbefore recited), that none of the King's liege People do ship any Merchandize, but only in Ships of the King's Ligeance, should only have place so long as Ships of the said Ligeance, in the Parts where the said Merchants shall happen to dwell, be found able and sufficient; so that then they shall be bound to freight the same Ships of the King's Ligeance with their Merchandizes before all other Ships; and otherwise, it shall be lawful to the said Merchants to hire other Ships convenient, and there to freight them with their Goods and Merchandizes, notwithstanding the said First Statute;"—and also, So much of the said last mentioned Statute, whereby it is ordained and accorded, "That all manner of Foreigners and Aliens, being of the Amity of the King and his Realm, and coming within the City of *London* and other Cities, Boroughs and Towns within the Realm, with Fish and all manner of other Victuals, there tarrying and going again to their own Countries, shall be under the Safeguard and special Protection of our Lord the King; and that there it shall be lawful for them and every to cut their Fishes and Victuals aforesaid in Pieces, and in part, or in all, at retale, or in gross, as to them best shall seem, to sell and make their Profit;"—and also, So much of a Statute made in the Eleventh Year of the Reign of the said King *Richard* the Second, whereby it is ordained and established, "That the said Statutes of the Ninth and Twenty fifth Years of the Reign of King *Edward* the Third (hereinbefore recited, and as recited in the said Statute of the Eleventh Year of King *Richard* the Second,) shall be firmly holden, kept, maintained and fully executed in all the Points and Articles of the same, notwithstanding any Ordinance, Statute, Charter, Letters Patents, Franchise, Proclamation, Commandant, Usage, Allowance or Judgment made or used to the contrary; and that if any such Statute, Ordinance, Charter, Letters Patents, Franchise, Proclamation, Commandment, Usage, Allowance or Judgment be made or used to the contrary, it shall be utterly repealed, avoided and holden for none;"—and also, So much of the said Statute made in the Fourteenth Year of the Reign of the said King *Richard* the Second, whereby it is ordained and established, "That every Person Alien that bringeth any Merchandize into *England*, shall find sufficient Sureties before the Customers in the Port where the Merchandize shall be brought, to buy other Merchandize, to the Value of Half the said Merchandizes so brought at the least, as Wools, Leather, Woolfells, Lead, Tin, Butter, Cheese, Cloth or other Commodities of the Land;"—and also, So much of the said last mentioned Statute, whereby it is ordained and established, "That for every Exchange that shall be made by Merchants to the Court of *Rome* or elsewhere, the said Merchants be bound in Chancery

6 R. 2. st. 1. c. 8. Restraining the Operation of st. 5. R. 2. st. 1. c. 3. to Cases where English Ships may be found.

6 R. 2. st. 1. c. 10. Importation of Fish and Provisions by Aliens.

11 R. 2. c. 7. confirming 9 E. 3. st. 1. c. 1. 25 E. 3. st. 3. (vulgo, st 4 c. 2.) and Statutes, to the contrary declared void.

14 R. 2. c. 1. Purchase of English Goods by Alien Merchants in return for Merchandize imported.

14 R. 2. c. 2. Purchasing English Goods on Exchanges.

cery to buy, within Three Months after the said Exchange made, Merchandizes of the Staple or other Commodities of the Land to the Value of the Sums so exchanged, upon pain of Forfeiture of the same;"—and also, So much of the said last mentioned Statute, whereby it is ordained and established, "That all Merchants of the Realm of *England* shall freight in the said Realm the Ships of the said Realm, and not strange Ships, so that the Owners of the said Ships take reasonable Gains for the Freight of the same:"—and also, So much of the said Statute made in the Fourteenth Year of the Reign of King *Richard* the Second, whereby it is ordained and established, "That no Customer nor Comptroller have any Ships of their own, nor meddle with the Freight of Ships;"—and also, So much of a Statute made in the Sixteenth Year of the Reign of the said King *Richard* the Second, whereby it is ordained and assented, "That no Merchant Stranger Alien shall sell nor buy nor merchandize with another strange Merchant Alien to sell again; nor that no Stranger Merchant Alien shall sell to retail within the said Realm, nor shall put to Sale any manner of Wares or Merchandizes, except Livings and Victuals; and also, that all Aliens shall sell Wines by whole Vessels, and Spiceries by whole Vessels and Bales, and in no other manner;"—and also, So much of a Statute made in the Twentieth Year of the Reign of King *Richard* the Second, whereby it is granted or provided, "That so much of the said Statute of the Twenty eighth Year of the Reign of King *Edward* the Third (as is hereinbefore recited, and as is recited in the said Statute of the Twentieth Year of King *Richard* the Second), shall be holden and kept in all Points, and duly executed, notwithstanding any Ordinance or Usage to the contrary;"—and also, So much of a Statute made in the First Year of the Reign of King *Henry* the Fourth, whereby it is ordained and established, "That so much of the Statute made in the Sixth Year of the Reign of King *Richard* the Second (as is hereinbefore recited relating to Fish and Victuals imported by Aliens), should be firmly holden and kept and duly executed after the Form and Effect thereof, notwithstanding certain Letters Patents granted to the contrary to the Fishmongers of *London*, by the said King *Richard* the Second;"—and also, So much of a Statute made in the Fourth Year of the Reign of the said King *Henry* the Fourth, whereby it is ordained and established, "That all the Merchants Aliens, Strangers and Denizens, which bring Merchandizes into this Realm of *England*, and the same do sell within the Realm, and receive *English* Money for the same, that they shall bestow the same Money upon other Merchandizes of *England*, for to carry the same out of the Realm of *England*, without carrying any Gold or Silver in Coin, Plate or Mass, out of the said Realm, upon pain of Forfeiture of the same, saving always their reasonable Costs;"—and also, So much of the said Statute made in the said Fourth Year of the Reign of the said King *Henry* the Fourth, whereby it is ordained and established, "That all manner of Merchandizes entering into the Realm of *England*, or going out of the same, shall be charged and discharged in the great Ports of the Sea, and not in Creeks and small Arrivals, upon pain to forfeit all the Merchandizes so charged or discharged to our Lord the King; except Vessels or Merchandizes arriving in such little Creeks and arrivals by

Cohertion

14 R. 2. c. 6. Subjects shall freight English Ships, if at reasonable Freight.

14 R. 2. c. 10. Customers not to have Ships, &c.

16 R. 2. c. 1. Aliens not to deal with each other.

20 R. 2. c. 4. confirming 28 E. 3. c. 13.

1 H. 4. c. 17. confirming 6 R. 2. st. 1. c. 10.

4 H. 4. c. 15. Purchase of English Goods by Aliens.

4 H. 4. c. 20. Ports of Arrival, &c.

Coertion of Tempest of the Sea;"—and also, So much of a Statute made in the Fifth Year of the Reign of the said King *Henry* the Fourth, whereby it is ordained and established, "That all the Merchants Strangers of what Estate or Condition that they be, coming, dwelling or repairing within the Realm of *England*, shall be entreated and demeaned within the same Realm, in the Manner, Form and Condition as the Merchants Denizens be, or shall be entreated and demeaned in the Parts beyond the Sea, upon Pain to forfeit to the King all the Goods and Chattels of such Merchants Strangers, and upon pain of Imprisonment of the Bodies of such Merchants Strangers;"—and also, So much of the said last mentioned Statute, whereby it is ordained and established, "That the Customers and Comptrollers in all the Ports of *England* shall take sufficient Sureties for all manner of Merchandizes brought by the Merchants Aliens and Strangers coming and repairing to the said Ports, to the Intent that the Money taken for the said Merchandize shall be employed upon the Commodities of the Realm, saving their reasonable Costs; and that the said Merchants Aliens and Strangers, shall sell their said Merchandizes so brought within the said Realm, within a Quarter of a Year next after their coming into the same; and also, that the Money which shall be delivered by Exchange in *England*, be employed upon the Commodities of the Realm within the same Realm, upon pain of Forfeiture of the same Money; and that no Merchant Alien nor Stranger sell any manner of Merchandize to any other Merchant Alien or Stranger, upon pain of Forfeiture of the said Merchandize; and that in every City, Town and Port of the Sea in *England*, where the said Merchants Alien, or Strangers be, or shall be repairing, sufficient Hosts shall be assigned to the same Merchants by the Mayor, Sheriffs, or Bailiffs of the said Cities, Towns and Ports of the Sea, and that the said Merchants Aliens and Strangers shall dwell in no other Place but with their said Hosts so to be assigned;"—and also, So much of a Statute made in the Sixth Year of the Reign of the said King *Henry* the Fourth, whereby so much of the said Statute of the Fifth Year of the said King *Henry* the Fourth, as is hereinbefore last recited, is repealed;—and also, So much of a Statute made in the Eleventh Year of the Reign of the said King *Henry* the Fourth, whereby it is ordained and established, "That so much of the Statute made in the Fourteenth Year of Reign of King *Richard* the Second, as is hereinbefore recited, respecting Exchanges by Merchants to the Court of *Rome*, or elsewhere, should be firmly holden and kept, and put in due Execution;" with a certain Addition thereto, as in the said Statute of the Eleventh Year of the said King *Henry* the Fourth is mentioned and set forth;—and also, So much of a Statute made in the Fourth Year of the Reign of King *Henry* the Fifth, whereby it is granted and provided, "That so much of the Statute made in the Fifth Year of the Reign of King *Henry* the Fourth, as is hereinbefore recited, shall be firmly holden and kept in all Points, and put in due Execution according to the Contents of the same;"—and also, So much of a Statute made in the Parliament holden on the First Day of *December*, in the Ninth Year of the Reign of the said King *Henry* the Fifth, and of a Statute made in the First Year of King *Henry* the Sixth, whereby

5 H. 4. c. 7. Treatment of Alien Merchants.

5 H. 4. c. 9. Alien Merchants to be superintended by Hosts.

6 H. 4. c. 4. repealing 5 H. 4. c. 9.

11 H. 4. c. 8. confirming and amending 14 R. 2. c. 2.

4 H. 5. c. 5. confirming 5 H. 4. c. 7. 9.

9 H. 5. st. 2 c. 9. 1 H. 6. c. 6. amending

14 R. 2. c. 2. as to purchasing English Goods by Aliens.

whereby it is ordained, "That all Merchants that shall make Exchanges to the Court of *Rome*, or elsewhere, shall be bound personally in the Chancery, by Recognizance, to buy within Nine Months after the same Exchanges made, Merchandizes and Commodities of *England*, to the Value of the Sums so changed, upon pain of Forfeiture of the same;" — and also, So much of a Statute made in the Second Year of the Reign of King *Henry* the Sixth, whereby it is ordained and established, "That no Man shall bring into the Realm of *England*, from what Country soever it be, nor make within the said Realm, a Tun of Wine, except it contains of the *English* Measure Two hundred and fifty two Gallons, the Pipe One hundred and twenty six Gallons, and so after the Rate the Tertian and the Hogshead of *Gascoin* Wine, upon Pain of Forfeiture of the same Wine; nor Barrel of Herring, nor of Eels, unless they contain Thirty Gallons fully packed, nor Butt of Salmon unless it contain Eighty four Gallons fully packed, nor Kinderkins, Tertians and Firkins of Herring, nor of Eels, nor of Salmon, but after the Rate, fully packed, upon Pain of Forfeiture of the said Herring, Eels and Salmon;" — and also, So much of a Statute made in the Eighth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That no Mariner, Stranger nor other Mariner, that is both Owner and Master of any Ship or Vessel, shall take nor receive within *England*, *Wales* nor *Ireland*, in his Ship or Vessel, any manner of Wools, Woolfells nor other Merchandizes of the Staple, nor carry the same out of the Realm to any Port beyond the Sea, but only to the Staple of *Calais*, except such which shall pass beyond the Straits of *Marrok*; and that upon Pain of Forfeiture to the King, as well of such Ships and Goods so found defective, as of the Goods of the said Mariners being in the same Ships or Vessels;" — and also, So much of the said last mentioned Statute, whereby it is ordained, "That no Merchant Alien shall constrain nor bind any of the King's liege People to make him Payment in Gold for any manner of Debt which to him may be due, nor refuse to receive Payment in Silver for any manner of such Duty or Debt; and that no Englishman shall sell within the Realm, or cause to be sold to any Merchant Alien, any manner of Merchandize, but only for ready Payment in Money, or else in Merchandizes for Merchandizes, to be paid and contented in hand upon Pain of Forfeiture of the same;" — and also, So much of a Statute made in the Ninth Year of the Reign of King *Henry* the Sixth, as relates to the Sale of Cloths by *English* Merchants to Merchants Aliens; — And also, So much of a Statute made in the Fourteenth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained and established, "That so much of the Statutes made in the Sixth Year of the Reign of King *Richard* the Second, and in the First Year of the Reign of King *Henry* the Fourth, as is hereinbefore recited, relating to Fish and Victuals imported by Aliens, should be firmly holden and kept; any other Statutes or Ordinances made to the contrary notwithstanding;" with a certain Addition to the said Statutes as in the said Statute of the Fourteenth Year of King *Henry* the Sixth is mentioned and set forth; — and also, So much of the last mentioned Statute made in the Fourteenth Year of the Reign of the said King *Henry* the Sixth, whereby it is granted and

2 H. 6. c. 14. (vulgo 11.) Measure of Tuns, &c. of Wine;

Barrels, &c. of Herrings, Eels, and Salmon.

8 H. 6. c. 19. Trade beyond the Straits of Morocco, [Gibraltar.]

8 H. 6. c. 24. Payments in Gold to Aliens prohibited, &c.

9 H. 6. c. 2. Sale of Cloths to Aliens.

14 H. 6. c. 6. confirming 6 R. 2. st. 1. c. 10. 1 H. 4. c. 17.

14 H. 6. c. 7. Prize Goods.

and ordained, "That if it happen that any Merchandizes of Aliens of the King's Amity to be taken by the King's Lieges in any *Ships* or Vessels of the King's Enemies, not being under the King's safe Conduct or Protection, that the said Lieges may them retain and enjoy, without any Impeachment or Restitution thereof to be made;"—and also, So much of a Statute made in the Eighteenth Year of the Reign of King *Henry* the Sixth, whereby it is ordained, "That no Merchant Alien or Stranger shall sell no manner of Merchandize to other Merchant Alien or Stranger, upon Pain of forfeiting of the same Merchandizes; and that all Merchants Aliens and Strangers, coming or abiding to Merchandize within any City, Town, Borough or Port in *England*, shall be under the Surveying of certain People to be called Hosts or Surveyors, to them to be assigned in manner directed by the said Statute;" and also, So much and all such Parts of the said Statute as relate to such Merchants Aliens and their Hosts;—and also, So much of the said last mentioned Statute, whereby it is ordained and granted, "That Merchants Aliens, at their Pleasure, may charge Ships and Vessels of *Spain* and of other Parts, taken from Adversaries and Enemies of the King, in manner and under the Regulations in the said Statute mentioned and provided;"—and also, So much of the said last mentioned Statute of the Eighteenth Year of King *Henry* the Sixth, as relates to the gauging of Vessels of Wine, Oil and Honey;—and also, So much of a Statute made in the Twentieth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained and established, "That no Customer nor Comptroller of the Customs, Clerks, Deputies or Ministers, or their Servants or Factors, nor Searchers nor Comptrollers, nor Surveyors of Searchers, nor their Clerks, Deputies, Ministers or Factors shall have any Ships of their own, nor shall buy or sell by way or by colour of Merchandize, nor shall not meddle with Freighting of Ships, nor have or occupy any Wharfs or Quays, nor hold any Hosteries or Taverns, nor shall be any Factors or Attornies for Merchants, Denizen or Alien, nor shall be Host to any Merchant Alien;"—and also, So much of a Statute made in the Twenty third Year of the Reign of King *Henry* the Sixth, as relates to the Duty of a Gauger, or to the Penny called the Gauge Penny;—and also, So much of a Statute made in the Twenty seventh Year of the Reign of the said King *Henry* the Sixth, whereby the Importation of Merchandize of the growing or Workmanship of *Brabant*, *Holland* and *Zealand*, was prohibited or restrained;—and also, So much of the said Statute made in the Twenty seventh Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That if any Merchants Aliens and Strangers bring Wheat Corn or any other Merchandizes or Victual into any Haven, Port or Creek, or other Places of this Realm, that the Mayors, Bailiffs, Portreves, Customers, Comptrollers and Searchers, and other Officers of the said Port, Haven or Creek, or other Places, shall have Authority to seize all Ships, Barges and Vessels freighted with Wheat Corn or any other Merchandizes or Victual brought into this Realm to sell, and to take Security of all the said Merchants Aliens and Strangers that the Money which shall be taken or received for the said Wheat Corn and other Merchandizes or Victual, shall be em-

18 H. 6. c. 4. Aliens shall not sell to Aliens.

18 H. 6. c. 8. Freighting of Prize Ships.

18 H. 6. c. 17. Gauging Vessels.

20 H. 6. c. 5. Customers not to be Owners of Ships.

23 H. 6. c. 15. Gaugers.

27 H. 6. c. 1. Goods of Brabant, &c.

27 H. 6. c. 3. Purchasing English Goods by Aliens.

ployed upon the Merchandizes and Commodities of this Realm;"—and also, So much of a Statute made in the Twenty eighth Year of the Reign of the said King *Henry* the Sixth, whereby the Provisions of so much of the said recited Statute, of the Twenty seventh Year of the said King *Henry* the Sixth, as relates to Importation from *Brabant*, *Holland* and *Zealand*, are continued in force;—and also, So much of a Statute made in the Thirty third Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained and established, "That if any *Lombard* or any other Person, Stranger or Denizen, bring or cause to be brought, by way of Merchandize, any wrought Silk thrown, Ribbands, Laces, Corses of Silk or any other Thing wrought, touching or concerning the Mystery of Silk Women, the Corses which come from *Genoa* only excepted, into any Port or Place of the Realm from beyond the Sea, that the same wrought Silk thrown, Ribbands, Laces, Corses, and other Things so brought and wrought, concerning the same Mysteries, shall be forfeit;"—and also, So much of the said Statute whereby any Penalty is imposed in respect of such Importation, or as authorizes the Appointment of any Searchers for Things so imported;—and also, So much of a Statute made in the Third Year of the Reign of King *Edward* the Fourth, whereby it is ordained and established, "That no Person inhabiting within the Realm, other than Merchant Strangers, shall freight nor charge within the Realm of *England* or *Wales* any Ship or other Vessel of any Alien or Stranger, with any Merchandizes to be carried out of the said Realm or *Wales*, or to be brought into the same, if he may have sufficient Freight in the Ships or Vessels of the Denizens of this Realm, upon Pain to forfeit the same Merchandizes;"—and also, So much of the said Statute made in the Third Year of the Reign of King *Edward* the Fourth, whereby the Importation of any wrought Silk thrown, Ribbands, Laces, Corses of Silk, or other Things wrought, concerning the Craft of Silk Women, is prohibited or restrained;—and also, So much of a Statute made in the Fourth Year of the Reign of the said King *Edward* the Fourth, whereby it is ordained and established, "That all Manner of Woollen Cloths made in any other Region, brought into this Realm, and set to Sale within any Part of this Realm, shall be forfeit to our Sovereign Lord the King, except Cloths made in *Wales* and *Ireland*, and Cloths taken by any of the King's Liege People upon the Sea, without Fraud or Collusion;"—and also, So much of the said Statute made in the Fourth Year of the Reign of the said King *Edward* the Fourth, as relates to the Importation of Merchandize from *Brabant*, *Holland* and *Zealand*, or from the Dominions of the Duke of *Burgundy*; and also, So much of the said Statute made in the Fourth Year of the Reign of the said King *Edward* the Fourth, as relates to the Surety to be given by Alien Merchants for employing their Money in Purchase of *English* Commodities;—and also, So much of a Statute made in the Twelfth Year of the Reign of the said King *Edward* the Fourth, whereby it is ordained and established, "That every Merchant, Stranger, and every or any of their Factors, Attornies or Servants, which shall bring or convey into this Land any Merchandize, in Carrack, Galley, or Ship, from the City or Country of *Venice*, or from any other City, Town or Country, from whence Bow Staves had

28 H. 6. c. 1. Goods of Brabant, &c.

33 H. 6. c. 5. Foreign wrought Silk, Ribbands, &c. prohibited.

8 E. 4. c. 1. Subjects shall not freight Foreign Ships, if sufficient Freight can be had in English.

3 E. 4. c. 3. Wrought Silks.

4 E. 4. c. 1. Importation of Foreign Cloths prohibited.

1 E. 4. c. 5. Goods of Brabant.

4 E. 4. c. 6. Surety by Alien Merchants.

12 E. 4. c. 2. Importing Bow Staves by Foreign Merchants of Venice, &c.

had before that time been brought, sent or conveyed into this Land, at every time of their bringing, sending or conveying of any such Merchandizes into this Realm, shall bring, send or convey into this Realm, with the said Merchandizes, in the same Carrack, Galley or Ship, wherein any such Merchandizes shall be brought, sent or conveyed, for every Tuntight or Tun weight of such Merchandizes which shall be contained in any Carrack, Galley or Ship, Four Bow Staves;" and also, So much of the said Statute whereby any Penalty is imposed, or any Search is authorised with respect to such Bow Staves;—and also, So much of a Statute made in the Seventeenth Year of the Reign of the said King *Edward* the Fourth, whereby it is ordained, "That every Merchant Alien, and every Victualler and other Stranger, not being Denizen, which shall resort into any Place or Port of the Realm of *England* or *Wales*, shall duly employ all the Money to be received by him, within any Part of the said Realm or *Wales*, upon Merchandizes or other Commodities of this Realm, or without any Fraud, he shall put the same in due Payment to the King's Liege People within this Realm, the same Employment or Payment duly to be proved in manner mentioned in the said recited Statute, upon pain of Forfeiture of all his Goods being within this Realm, and One Year's Imprisonment;"—and also, So much of the said last mentioned Statute as relates to the Recovery of any Penalties or Forfeitures for Offences against so much of the said Statute as is hereinbefore recited;—and also, So much of a Statute made in the Twenty second Year of the Reign of the said King *Edward* the Fourth, whereby it is ordained and established, "That no Merchant Stranger nor other Person shall bring into the Realm to be sold, any Corses, Girdles, Ribbands, Laces, Call Silk or Colein Silk Thrown or Wrought, upon pain of Forfeiture of the same or the Value thereof:—And so much and such Parts of the said several Statutes as are hereinbefore recited and set forth, are hereby accordingly repealed, and from and after the passing of this Act shall cease and determine, and be of no Force, Effect or Validity whatsoever; any thing in the said recited Statutes, or any of them, or in any Statute or Act for continuing or making perpetual, or amending of the said Statutes, or any of them, or any Part thereof, or any Law, Usage or Custom whatsoever to the contrary in any wise notwithstanding: Except only so far as the same Statutes, or any of them, or any thing therein contained, repeal any former Statute or Statutes, or any Part thereof; and all and every which said Statutes or Statute, or the Part thereof so repealed, shall remain and continue repealed to all Intents and Purposes whatsoever.

17 E. 4. c. 1. Purchase of English Goods by Aliens.

22 E. 4. c. 3. Wrought Silk.

So much as is recited of the said preceding Statutes repealed, and shall cease and determine.

Except as they repeal former Statutes.

II. And be it further enacted, That from and after the passing of this Act, the several Acts hereinafter mentioned, relating to the Importation of Goods, or to Commerce or Navigation, or so much and such Parts of them as are hereinafter specified, shall be repealed; (that is to say), the whole of an Act made in the First Year of the Reign of King *Richard* the Third, intituled *An Act touching the Merchants of* Italy, or so much thereof as shall be in force and unrepealed immediately before the passing of this Act; and also, Another Act made in the said First Year of the Reign of King *Richard* the Third, intituled *An Act touching the bringing in*

1 R. 3. c. 9. Italian Merchants.

1 R. 3. c. 10. Wrought Silk.

in of Silk, Laces, Ribbands, &c.;—and also, Another Act made in
1 R. 3. c. 11. Bow Staves. the said First Year of the Reign of the said King *Richard* the
Third, intituled *An Act touching Bowyers;*—and also, Another Act
1 R. 3. c. 13. Wine Vessels. made in the said First Year of the Reign of King *Richard* the Third,
intituled *An Act for the Contents of a Butt of Malmsey*, or *An Act
to ascertain the Contents of Vessels of Wine and Oil;*—and also
1 H. 7. c. 2. Denizens. An Act made in the First Year of the Reign of King *Henry* the
Seventh, intituled *An Act that Denizens shall pay Customs and Sub-*
1 H. 7. c. 8. Wines. *sidies;*—and also, Another Act made in the First Year of the
Reign of the said King *Henry* the Seventh, intituled *An Act
against bringing in of* Gascoigne *Wine, except in* English, Irish, *or*
1 H. 7. c. 9. Wrought Silk. Welshmen's *Ships;*—and also, An Act made in the said First
Year of the Reign of the said King *Henry* the Seventh, intituled
*An Act against Merchant Strangers for bringing into this Realm
Girdles, Ribbands, Laces, &c.;*—and also, An Act made in the
3 H. 7. c. 8. Third Year of the Reign of the said King *Henry* the Seventh, in-
17 E. 4. c. 1. tituled *An Act for Confirmation of a Statute made in the Seventeenth
Year of* Edward *the Fourth, against carrying out of this Realm
Money for Wares brought into the same;* or so much of the said
Act of the Third Year of the Reign of King *Henry* the Seventh,
as shall be in force and unrepealed immediately before the passing
of this Act;—and also, An Act made in the Parliament begun to
be holden at *Westminster* on the Thirteenth Day of *January* in the
4 & 5 H. 7. c. 10. Wine and Woad. Fourth Year of the Reign of the said King *Henry* the Seventh,
intituled *An Act against bringing into this Realm Wines in Fo-
reign Bottoms;* or so much thereof as shall be in force and un-
repealed immediately before the passing of this Act;—and also,
7 H. 7. c. 8. Malmsey. An Act made in the Seventh Year of the Reign of King *Henry*
the Seventh, intituled *An Act to pay Custom for every Butt of*
11 H. 7. c. 14. Denizens. *Malmsey;*—and also, An Act made in the Eleventh Year of the
Reign of the said King *Henry* the Seventh, intituled *An Act that
all Strangers and Denizens shall pay Customs;*—and also, So much
11 H. 7. c. 17. § 3. Hawks. of an Act made in the Eleventh Year of the Reign of the said
King *Henry* the Seventh, intituled *An Act against taking of
Feasants and Partridges*, whereby it is ordained, "That all such
Persons that bring any Niesse, Hawk or Hawks from any of the
Parts beyond the Sea, bring a Certificate under the Customer's
Seal of the Port where he first landed with the said Hawk or
Hawks, testifying that the same Hawk or Hawks be of the Parts
beyond the Sea, upon pain of Forfeiture of the said Hawk or
12 H. 7. c. 6. Hawks to the King;"—and also, An Act made in the Twelfth
Year of the Reign of the said King *Henry* the Seventh, for Mer-
chants Adventurers, or intituled *An Act for Merchants Adventu-
19 H. 7. c. 21. Wrought Silk. rers;*—and also, The whole of an Act made in the Nineteenth
Year of the Reign of the said King *Henry* the Seventh, for Sylke
Women, or intituled *An Act for Silk Women;*—and also, An-
19 H. 7. c. 23. Hanse Merchants. other Act made in the said Nineteenth Year of the Reign of the
said King *Henry* the Seventh, for the Stillyard, or intituled *An
Act for the* Hanse *Merchants;*—and also, An Act made in the First
1 H. 8. c. 5. Customing Goods. Year of the Reign of King *Henry* the Eighth, intituled *An Act for
the true Payment of the King's Customs;*—and also, An Act made
14 & 15 H. 8. c. 4. Denizens. in the Fourteenth and Fifteenth Years of the Reign of the said King
Henry the Eighth, intituled *An Act for Payment of Customs;*—
and also, An Act made in the Twenty second Year of the Reign of
the

the said King *Henry* the Eighth, intituled *An Act for Denizens to pay Strangers Customs*; — and also, An Act made in the Twenty third Year of the Reign of the said King *Henry* the Eighth, intituled *An Act that the Statutes made for the Maintenance of the Navy of this Realm shall stand in full Strength, and how* Gascoigne *and* French *Wines shall be brought in, and the same and other Wines sold*; — and also, So much of an Act made in the Twenty fifth Year of the Reign of the said King *Henry* the Eighth, intituled *An Act concerning Pewterers*; whereby it is enacted, "That no Person thereafter, at any Time then inhabiting, or which thereafter should inhabit within this Realm, should buy or otherwise take by exchange for other Wares, any manner of Wares made out of the Realm, of Tin or mixed with Tin, or any Thing made of Tin or *Pewter*," as in the said Act is mentioned, upon pain of the Forfeiture in the said Act mentioned; and also, So much of the said Act, whereby it is enacted, "That it should be lawful for the Wardens of the Craft of Pewterers and other Officers in the said Act mentioned, to appoint Persons to make Search and Seizure, and to take into their Hands and Possession all such Wares as should be brought contrary to the true Intent and Effect of the said Act, in whosesoever Hands or Possession any such should be found;" — and also, So much of an Act made in the said Twenty fifth Year of the Reign of King *Henry* the Eighth, intituled *An Act for Printers and Binders of Books*; whereby it is enacted, "That no Person or Persons resiant or inhabitant within the Realm, shall buy to sell again any printed Book brought from any Parts out of the King's Obeisance ready bound in Boards, Leather or Parchment; nor shall buy within the Realm of any Stranger born out of the King's Obeisance, other than of Denizens, any manner of printed Books brought from any the Parts beyond the Sea, except only by Engross and not by Retail, under the Pains and Forfeitures in the said Act mentioned," and also, An Act made in the Twenty seventh Year of the Reign of the said King *Henry* the Eighth, *An Act concerning the Custom of Leather*; — and also, The Whole of an Act made in the Thirty second Year of the Reign of the said King *Henry* the Eighth, intituled *The Maintenance of the Navy*; or *An Act for the Maintenance of the Navy of* England, *and for certain Rates of Freight*; — and also, An Act made in the Thirty third Year of the Reign of the said King *Henry* the Eighth, intituled *An Act concerning buying of Fish upon the Sea*, or *The Bill concerning buying of Fish upon the Sea*; — and also, So much of another Act made in the Thirty third Year of the Reign of the said King *Henry* the Eighth, intituled *An Act concerning Pewterers*; whereby any Article, Sentence or Clause, therein and hereinbefore recited, contained in the said hereinbefore recited Act of the Twenty fifth Year of the Reign of the said King *Henry* the Eighth is made perpetual; — and also, So much of the said Act of the Thirty third Year of King *Henry* the Eighth, whereby it is enacted, "That no Person or Persons buy or take by Exchange, or otherwise take into or within the Realm, to the Intent to sell any Things or Wares of Tin or Pewter in the said Act rehearsed, made or to be made out of the Realm;" — and also, So much of the said last mentioned Act, whereby any Penalty or Forfeiture is imposed on any Person or Persons who shall unlawfully withstand, interrupt, disturb or let the

22 H. 8. c. 8. Denizens.

23 H. 8. c. 7.

25 H. 8. c. 9. § 1, 2. Tin and Pewter Wares prohibited.

25 H. 8. c. 15. § 2, 3. Bound Books.

27 H. 8. c. 14. Leather.

32 H. 8. c. 14. Freights.

33 H. 8. c. 2.

33 H. 8. c. 4. Tin Wares, &c.

the Master and Wardens, or their Deputy, of the Craft of Pewterers, or other Officers in the said Act named, in searching, seizing and taking into their Hands and Possession, such Wares as shall happen to be bought or brought into the Realm contrary to the Purport and Effect of the said Act made in the Twenty fifth Year of the Reign of King *Henry* the Eighth;—and also, the Whole of an Act made in the Parliament holden in the Second and Third Years of the Reign of King *Edward* the Sixth, intituled *An Act for the colouring Customs in other Men's Names*;—and also, The Whole of an Act made in the Parliament holden in the Fifth and Sixth Years of the Reign of the said King *Edward* the Sixth, intituled *An Act repealing a Statute made in the Fourth Year of King* Henry *the Seventh, against the bringing in of Wine and Woad in Strange Bottoms*;—and also, So much of an Act made in the First Year of the Reign of Queen *Elizabeth*, intituled *An Act limiting the Times for laying on Land Merchandize from beyond the Seas, and touching Customs for Sweet Wines*; whereby it is enacted, "That no Person, Denizen ne Stranger, do take upon him to enter, or do or cause to be entered into the Books of any Customers, or other Officer or Officers of any Port or Haven within this Realm, or his or their Deputy or Deputies, Servant or Servants, any manner of Goods, Wares, or Merchandizes whatsoever, coming or brought into the Realm from any Ports beyond the Sea, or going or to be transported out of the Realm into any the Parts beyond the Sea, in the Name or Names of any other Person or Persons than the very true Owner or Owners of the same Goods, Wares, or Merchandizes, upon Pain of Forfeiture of the Value of the Goods so entered;"—and also, An Act made in the said First Year of the Reign of Queen *Elizabeth*, intituled *An Act for the shipping in* English *Bottoms*;—and also, So much of an Act made in the Fifth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act touching politic Constitutions made for the Maintenance of the Navy*, whereby it is enacted, "That it shall not be lawful to any Person or Persons to buy of any Stranger, or out of any Stranger's Bottom, any Herring being not sufficiently salted, packed, and casked;"—and also, So much of the said Act, whereby it is enacted, "That all *English* Hoys and Plats may cross the Seas as far as *Caen* in *Normandy*, and eastward as far as *Norway*;"—and also, So much of the said Act, whereby it is enacted, "That it shall not be lawful to any Person or Persons to bring into the Realm any Cod or Ling in Barrels or other Casks, but loose in Bulk and by tale, to be sold within the Realm;"—and also, So much of the said Act, whereby it is enacted, "That no Person or Persons whatsoever shall bring into the Realm of *England*, or any Part of the same, any Wine coming out of any of the Dominions or Countries belonging to the Crown of *France*, or any Woad called *Thoulouse* Woad, in any other Vessel or Vessels, but only in such Vessel and Vessels whereof some Subject or Subjects of the Queen's Majesty, her Heirs or Successors, shall be then only Owner or Part Owner;"—and also So much of an Act made in the Thirteenth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act against the bringing in and putting in Execution of Bulls and other Instruments from the See of* Rome, whereby any Danger, Penalty, Pain or Forfeiture may be incurred by or inflicted upon any Person or Persons who shall bring

2&3 E.6. c.22. Customing Goods.

5&6 E.6. c.18. Wine and Woad.

1 El. c.11. §5. (vulgo § 6.) Customing Goods.

1 El. c.13. Shipping in English Vessels.

5 El. c.5. §5. (vulgo §6, 7.) Foreign Herrings prohibited.

§ 6. (vulgo § 9.) Ships in Foreign Trade.

§ 7. (vulgo § 10.) Importing Cod in Bulk.

§ 8. (vulgo § 11.) French Wines and Woad.

13 El. c.2. §4. (vulgo § 7.) Popish Relics.

13 El. c.11.

into the Realm of *England*, or any of the Dominions of the same, any Token or Tokens, or Thing or Things called or named by the Name of an *Agnus Dei*, or any Crosses, Pictures, Beads or such like vain and superstitious Things, from the Bishop or See of *Rome*, or from any Person or Persons authorized or claiming Authority by or from the said Bishop or See of *Rome* to consecrate or hallow the same; or by or upon any Person or Persons so bringing in as is aforesaid such *Agnus Dei* and other Things before specified, who shall deliver, or cause or offer to be delivered, the same or any of them, to any Subject of the Realm, or of any Dominions of the same, to be worn or used in any wise; — and also, The Whole of an Act made in the said Thirteenth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the Maintenance of the Navigation*; — and also, Another Act made in the said Thirteenth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the bringing of Bow Staves into this Realm*; — and also, Another Act made in the said Thirteenth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act that no Hoy or Plat shall cross the Seas*; — and also, An Act made in the Twenty third Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the Increase of Mariners, and for the Maintenance of Navigation*; — and also, An Act made in the Twenty seventh Year of the Reign of Queen *Elizabeth*, intituled *An Act for bringing in of Staple Fish and Herrings into this Realm*; — and also, An Act made in the Parliament of *Ireland*, in the Twenty eighth Year of the Reign of Queen *Elizabeth*, intituled *An Act of Impost and Custom of Wines*; — and also, An Act made in the Thirty ninth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the Increase of Mariners and Maintenance of the Navigation, repealing a Statute made in the Twenty third Year of Her Majesty's Reign, bearing the same Title*; — and also, So much of an Act made in the First Year of the Reign of King *James* the First, intituled *An Act for avoiding of deceitful selling, buying or spending corrupt and unwholesome Hops*, whereby it is enacted, "That if any Foreigner, Stranger, Native *Englishman*, Denizen, Merchant or any other Person or Persons whomsoever, do bring or cause to be brought into *England*, from any foreign Realm or Dominion beyond the Sea, any Hops being deceitfully or corruptly unclean, corrupt or mixed with any Powder, Dust, Dross, Sand or any other Soil whatever, that every Person so offending, shall forfeit the same Hops so brought into the Realm;" — and also, So much of an Act made in the Third Year of the Reign of the said King *James* the First, intituled *An Act to prevent and avoid Dangers which may grow by Popish Recosants*, whereby it is enacted, "That no Person or Persons shall bring from beyond the Seas, nor shall print, sell or buy any Popish Primers, Ladies' Psalters, Manuells, Rosaries, Popish Catechisms, Missals, Breviaries, Portals, Legends and Lives of Saints, containing superstitious Matters, printed or written in any Language whatsoever, nor any other superstitious Books printed or written in the *English* Tongue, upon pain of Forfeiture of Forty Shillings for every such Book;" — and also, The whole of an Act made in the said Third Year of the Reign of the said King *James* the First, intituled *An Act to enable all His Majesty's loving Subjects of* England *and* Wales, *to trade freely into the Dominions of*

13 El. c. 14. Bow Staves.

13 El. c. 15. Ships in Foreign Trade.

23 El. c. 7. Sale of Fish by Foreigners.

27 El. c. 15.

28 El. c. 4. (I.) Wines.

39 El. c. 10. Fish.

1 Jac. 1. c. 18. § 1. Foreign Hops.

3 Jac. 1. c. 5. § 15. [25.] Popish Books.

3 Jac. 1. c. 6. Free trade with Spain and Portugal.

of Spain, Portugal *and* France;—and also, So much of an Act made in the Sixteenth Year of the Reign of King *Charles* the First, intituled *An Act for the free bringing in of Gunpowder and Saltpetre from foreign Parts, and for the free making of Gunpowder in this Realm*, whereby it is declared and enacted, "That it shall and may be lawful to and for all and singular Persons, as well Strangers as natural born Subjects of this Realm, to import and bring into the Kingdom any Quantities of Gunpowder whatsoever, paying such Customs and Duties for the same, as by Authority of Parliament shall be limited and set down:" And the said several Acts before mentioned, and so much and such Parts of any of the Acts as are hereinbefore recited and set forth, are hereby accordingly repealed, and from and after the passing of this Act shall cease and determine, and be of no Force, Effect or Validity whatsoever; any thing in the said recited Acts or any of them, or in any Act or Acts for continuing or amending of the said Acts or any of them, or any Part thereof, or any Law, Usage or Custom whatsoever to the contrary in any wise notwithstanding: Except only so far as the said Acts, or any of them, or any thing therein contained, repeal any former Statute or Statutes, or Act or Acts, or any Part thereof: and all and every which said Statutes or Statute, or Act or Acts, or the Part thereof so repealed, shall remain and continue repealed to all Intents and Purposes whatsoever.

16 Car. 1. c. 21. Gunpowder.

Recited Acts, or Parts thereof, repealed accordingly.

Except so far as they repeal former Acts.

III. And be it further enacted, That from and after the passing of this Act so much and such Parts of the several Statutes hereinafter mentioned and recited, relating to the Exportation of Goods, Wares and Merchandize, as are hereinafter specified and set forth, shall be repealed; that is to say, So much of a Statute made in the Twenty seventh Year of the Reign of King *Edward* the First, concerning False Money, whereby it is ordained, "That no good Money of Silver of the King's Coin or any other, nor any Silver in Plate or otherwise, shall go or be carried forth of the Realm, nor out of the King's Jurisdiction into Foreign Parts, without the King's Special Licence;"—and also, So much of a Statute made in the Ninth Year of the Reign of King *Edward* the Third, whereby it is provided, "That Merchants Aliens shall carry no Wine out of the Realm;"—and also, So much of a Statute made in the Eleventh Year of the Reign of the said King *Edward* the Third, whereby it is accorded, "That no Merchant Foreign or Denizen, nor none other of what Estate or Condition that he be, upon pain of Forfeiture of Life and Member, and of as much as he may forfeit towards the King, shall carry or cause to be carried, by himself nor by other, privily nor openly, any Wools to any Place out of the Realm, till by the King and His Council it be thereof otherwise provided;"—and also, So much of a Statute made in the Fourteenth Year of the Reign of the said King *Edward* the Third, whereby it is granted or provided, "That every Man that shippeth Wools over the Sea, *Englishman* or other, resiant, inhabiting, or repairing in *England*, shall find good and sufficient Surety to the Customers, to bring again of every Sack of Wool, Plate of Silver to the Value of Two Marks, at his first Return or Repairing, or within the Three Months after the Wools so shipped shall pass out of the Port, and to bring the same Plate to the King's Exchange, and there to receive his Money;"—and also, So much of the Statute

Parts of certain Statutes relative to Exportation shall be repealed.

27 E. 1. Exporting Money or Plate.

9 E. 3. st. 1. c. 1. Wines.

11 E. 3. c. 1. Wools.

14 E. 3. st. 1. c. 21. and st. 2. c. 4. Exporters of Wool to import Silver.

tute or Ordinance of the Staples, made in the Twenty seventh Year of the Reign of the said King *Edward* the Third, whereby it is granted or provided, "That no Merchant, *English*, *Welsh*, nor *Irish*, shall carry any manner of Wools, Leather, Woolfells or Lead out of the King's Realm and Lands;"—and also, So much of the said Statute or Ordinance as relates to any Covin or Collusion, Fraud or Deceit, with respect to the carrying out the said Wares and Merchandizes, or to the receiving Payment for the Sale thereof, by or on Behalf of such Merchants; or so much and such Parts of the said Statute or Ordinance as are in force or effect relating to such Exportation immediately before the passing of this Act;—and also, So much of a Statute made in the Twenty eighth Year of the Reign of the said King *Edward* the Third, whereby it is accorded and established, "That Iron made in *England*, and Iron brought into *England* and there sold, shall not be carried out of the said Realm of *England*, upon pain of forfeiting the Double to the King;"—and also, So much of a Statute made in the Thirty sixth Year of the Reign of the said King *Edward* the Third, whereby it is granted or provided, "That the Merchants Denizens may pass with their Wools, as well as Foreigners, without being restrained;"—and also, So much of a Statute made in the Forty third Year of the Reign of the said King *Edward* the Third, whereby it is ordained or provided, "That Wools, Leather, Woolfells and all other Wools, may be carried out of the Realm by Aliens, to what Part shall please them, at their Wills, and not by Denizens;"—and also, So much of a Statute made in the Fiftieth Year of the Reign of the said King *Edward* the Third, whereby it is ordained, "That no Woollen Cloths shall be carried out of any Part of the Realm of *England* before they be fulled;"—and also, So much of a Statute made in Fourteenth Year of the Reign of King *Richard* the Second, whereby it is ordained and established, "That no Denizen carry Wools, Leather, Woolfells nor Lead out of the Realm of *England*, to the Parts beyond the Sea, upon pain of Forfeiture of the same, but only Strangers;"—and also, So much of a Statute made in the Sixteenth Year of the Reign of the said King *Richard* the Second, whereby it is ordained and assented, "That no manner of Spicery, after that it be brought into the Realm, shall be carried out of the same Realm, by Alien or Denizen, upon pain of Forfeiture of the same;"—and also, So much of a Statute made in the Seventeenth Year of the Reign of the said King *Richard* the Second, whereby it is ordained and established, "That the Merchants or Workers of Cloths called Single Worsted, may carry Bolts of Single Worsted to what Parts they will, except to the King's Enemies; provided, that under the Colour of the said Bolts of Single Worsted, they shall carry no Double Worsteds nor Half Double, no Worsteds Ray nor Motley, upon pain of Forfeiture of the same;"—and also, So much of a Statute made in the Fourth Year of the Reign of King *Henry* the Fourth, as relates to the Confirmation of any former Ordinances and Statutes prohibiting the sending or carrying out of the Realm of any Money, or Gold or Silver in Money, Plate or Vessel, or to any Forfeiture for the same;—and also, So much of a Statute made in the Sixth Year of the Reign of the said King *Henry* the Fourth, whereby it is provided, "That Merchants Aliens and Strangers shall not carry or cause

Statute of the Staples. 27 E. 3. st. 2. c. 3. Exporting Wools, &c. by Subjects prohibited.

28 E. 3. c. 5. Iron.

36 E. 3. st. 1. c. 11. Wools.

43 E. 3. c. 1. Wools by Aliens.

50 & 51 E. 3. c. 7. Cloths not fulled.

14 R. 2. c. 5. Wools, &c. not to be exported by Denizens.

16 R. 2. c. 1. Spiceries.

17 R. 2. c. 3. Single Worsteds.

4 H. 4. c. 16. Exporting Gold and Silver.

6 H. 4. c. 4. Foreign Goods by Aliens.

cause to be carried out of the Realm any Merchandizes brought within the Realm by Merchants Aliens and Strangers;"—and also,

8 H. 5. c. 2. Importing Bullion, &c. for Wools exported.

So much of a Statute made in the Eighth Year of the Reign of King *Henry* the Fifth, whereby it is ordained and established, "That every Merchant Stranger buying Wools in *England* to carry them to the West Parts or elsewhere, not coming to the Staple there to be sold shall bring to the Master of the Mint of the Tower of *London*, of every Sack, One Ounce of Bullion of Gold, and in the same manner of Three Pieces of Tin, One Ounce of Bullion of Gold, or the Value in Bullion of Silver, upon pain of Forfeiture of the same Wools and Tin, or the Value of the same to the King;—and also,

3 H. 6. c. 2. Sheep.

So much of a Statute made in the Third Year of the Reign of King *Henry* the Sixth, whereby it is ordained and granted, "That no manner of Person, of what Estate or Condition that he be, be suffered to ship or cause to be shipped within the Realm of *England*, any Sheep fleeced or shorn, into the Country of *Flanders*, or to any other Parts beyond the Sea;—and also, So much of the said

3 H. 6. c. 4. Exporting Butter.

Statute made in the Third Year of the Reign of King *Henry* the Sixth, as relates to the exporting of Butter and Cheese;—and also, So much of a Statute made in the Eighth Year of the Reign

8 H. 6. c. 23. Thrums.

of the said King *Henry* the Sixth, whereby it is ordained, "That no Man shall carry or convey out of the Realm, any manner of Thrums, nor Threads of Wool called Woollen Yarn, under colour of Thrums, upon pain to forfeit the Double Value of the same;"

18 H. 6. c. 3. Butter and Cheese.

—and also, So much of a Statute made in the Eighteenth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That the King's liege People may convey and carry out of this Realm, whither it shall please them, of the King's Amity, Cheese and Butter, without any Licence to be sued in anywise, any Statute made to the contrary notwithstanding: Provided that the King may restrain the same when it shall please him;"—and also,

23 H. 6. c. 2. Thrums.

So much of a Statute made in the Twenty third Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That no Man shall pack nor ship any Thrums nor Woollen Yarn, in any wise to be had, or to pass out of *England* beyond the Sea, upon the Penalties and Forfeitures in the said Statute mentioned and

3 E. 4. c. 1. Wools.

contained;"—and also, So much of a Statute made in the Third Year of the Reign of King *Edward* the Fourth, as in any manner relates to or concerns the buying or selling any manner of Wools or Woolfells, Morling or Shorling, within any Part of the Realm; or to the shipping, carrying or exporting of any Wools, Woolfells, Morling or Shorling, at or from any Place within the Realm to any Place out of the Realm, by any Alien or Stranger, or by any Denizen, or any other the King's Subjects; or as imposes any Penalty or Forfeiture with respect to any such buying, selling, shipping, carrying or exporting of any such Wool, Woolfells, Morling or Shorling respectively;—and also, So much of a Statute, made

7 & 8 E. 4. c. 3. Woollen Yarn.

in the Seventh Year of the Reign of the said King *Edward* the Fourth, whereby it is ordained and established, "That no Person, Denizen or Stranger, shall carry or cause to be carried into any Parts beyond the Sea, any Woollen Yarn or Cloth, not fulled, upon the Penalties and Forfeitures in the said Act mentioned;"—and also, So much of a Statute made in the Seventeenth Year of the

17 E. 4. c. 1. Exporting Money.

Reign of the said King *Edward* the Fourth, whereby it is ordained that

that no Person shall carry or cause to be carried out of the Realm any manner of Money of the Coin of the Realm, nor Money of the Coin of any other Realms, Lands or Seignories, nor no Plate, Vessel, Mass, Bullion nor Jewels of Gold, wrought or unwrought, or of Silver, without the King's Licence, upon Pain of Felony; —and So much and such Parts of the said several Statutes as are hereinbefore recited and set forth, are hereby accordingly repealed; and from and after the passing of this Act, shall cease and determine, and be of no Force, Effect or Validity whatsoever, any thing in the said recited Statutes or any of them, or in any Statute or Statutes, or Act or Acts for continuing or making perpetual, or amending of the said Statutes or any of them, or any Part thereof, or any Law, Usage or Custom whatsoever to the contrary in any wise notwithstanding: Except only so far as the said Statutes, or any of them, repeal any former Statute or Statutes, or any Part thereof; and which said Statute or Statutes, or any Part thereof so repealed shall remain and continue repealed, to all Intents and Purposes whatsoever.

So much of preceding Statutes as is recited, repealed.

Except as they repeal former Statutes.

IV. And be it further enacted, That from and after the passing of this Act the several Acts hereinafter mentioned, relating to the Exportation of Goods, Wares and Merchandize, or so much and such Parts of any of them as are hereinafter specified, shall be repealed; (that is to say), An Act made in the Third Year of the Reign of King *Henry* the Seventh, intituled *An Act that no Stranger or Denizen shall carry any Woollen Cloths out of this Realm before they be barbed, rowed and shorne;* —and also, An Act made in the Eleventh Year of the Reign of the said King *Henry* the Seventh, intituled *An Act against transporting of Horses and Mares beyond the Seas;* —and also, So much of an Act made in the Third Year of the Reign of King *Henry* the Eighth, intituled *An Act concerning shooting in Long Bows*, whereby it is enacted or provided, "That no Stranger born out of the King's Obeysance, not being Denizen, shall not convey, nor do to be conveyed into any Parts out of the King's Obeysance, any Long Bows, Arrows or Shafts, without the King's especial Licence, upon pain of Forfeiture of the same, and upon pain of Imprisonment;" —and also, An Act made in the Third Year of the Reign of King *Henry* the Eighth, intituled *An Act against carrying Cloths over Sea unshorn;* —and also, Two Acts made in the Parliament of *Ireland*, in the Thirteenth and Twenty eighth Years of the Reign of King *Henry* the Eighth, to prevent the lading or exporting of Wools and Flocks; —and also, An Act made in the Parliament holden in the Fourteenth and Fifteenth Years of the Reign of the said King *Henry* the Eighth, intituled *The Act concerning the conveying, transporting and carrying of Broad White Woollen Cloths out of this Realm;* —and also, So much of an Act made in the Parliament holden in the said Fourteenth and Fifteenth Years of the Reign of the said King *Henry* the Eighth, intituled *The Act concerning the Dressing of Worsteads Sayes and Stamins, for the Town of* Great Yarmouth, whereby it is enacted, "That no Person or Persons convey or transport into any of the Parts beyond the Sea, any manner of Cloths of Worsteds before the same Cloths be shorn, dyed, coloured and calendred, upon pain of forfeiting the Value thereof;" —and also, The whole of an Act made in the Twenty first Year of the Reign of

Certain Acts relating to Exportation repealed.

3 H. 7. c. 12. (vulgo c. 11.) Cloths unshorn.

11 H. 7. c. 13. Horses.

3 H. 8. c. 3. §4. Aliens exporting Bows.

3 H. 8. c. 7. Cloths unshorn.

13 H. 8. c. 2. (I.)

28 H. 8. c. 17. (I.)

14 & 15 H. 8. c. 1. Cloths.

14 & 15 H. 8. c. 3. §12. Worsted Cloths.

21 H. 8. c. 10. Metal.

of the said King *Henry* the Eighth, intituled *An Act against the carrying of Latten Brass and such Metal mixed, beyond the Sea*; — and also, An Act made in the Twenty second Year of the Reign of the said King *Henry* the Eighth, intituled *An Act against Conveyance of Horses out of this Realm*; — and also, So much of an Act made in the Twenty fifth Year of the Reign of the said King *Henry* the Eighth, intituled *An Act of Proclamation to be made concerning Victuals*, whereby it is enacted, "That no Person or Persons, unless it be by Licence under the King's Great Seal, shall carry or convey, or cause to be carried or conveyed, any Beef, Mutton, Veal, Pork or any other Victuals in the said Act mentioned, to any Ports beyond the Seas, except as in the said Act is excepted;" — and also, So much of an Act made in the Twenty sixth Year of the Reign of the said King *Henry* the Eighth, intituled *An Act for making of Worsteds in the City of* Norwich, *and in the Towns of* Lyn *and* Yarmouth, whereby so much as is hereinbefore recited of the Act made in the Fourteenth and Fifteenth Years of the said King *Henry* the Eighth, concerning the Dressing of Worsted Sayes and Stamins for the Town of *Great Yarmouth* is made perpetual; — and also, Another Act made in the Twenty seventh Year of the Reign of King *Henry* the Eighth, intituled *An Act concerning the Custom of Leather*; — and also, An Act made in the Thirty third Year of the Reign of the said King *Henry* the Eighth, intituled *An Act concerning the Conveyance of Brass, Latten and Bell Metal over the Sea*; — and also, So much of another Act made in the said Thirty third Year of the Reign of the said King *Henry* the Eighth, intituled *An Act for Maintenance of Artillery and debarring of unlawful Games*, whereby it is enacted, "That no Stranger born out of the King's Obeysance not being Denizen, shall convey or do to be conveyed, give, sell or exchange into any Parts out of the King's Obeysance, any Long Bows, Arrows or Shafts, without the King's especial Licence, upon pain of Forfeiture of the same and of Imprisonment;" — and also, So much of an Act made in the said Thirty third Year of the Reign of the said King *Henry* the Eighth, intituled *An Act for Worsted Yarn in* Norfolk, whereby any Penalty or Forfeiture is imposed on any Person or Persons who ship to carry or convey into the Parts beyond the Sea, any Yarn called Worsted Yarn, not wrought or made in Cloth, so such Yarn be spun or made within the Realm of *England*; — and also, An Act made in the First Year of the Reign of King *Edward* the Sixth, intituled *An Act that no Horses shall be conveyed out of this Realm and other the King's Dominions, without Licence*, or so much thereof as shall be in force immediately before the passing of this Act; — and also, So much of an Act made in the said First Year of the Reign of the said King *Edward* the Sixth, intituled *An Act for the Continuance of making of Worsted Yarn in* Norfolk, whereby so much of the Act made in the Thirty third Year of the Reign of King *Henry* the Eighth, intituled *An Act for Worsted Yarn in* Norfolk, as is hereinbefore recited and set forth, is enacted to continue for ever; — and also, The whole of an Act made in the Parliament holden in the Second and Third Years of the Reign of King *Edward* the Sixth, intituled *An Act for carrying of Bell Metal out of the Realm*, or *An Act against the carrying of Bell Metal out of the Realm*; — and also, So much of an Act made in the Parliament holden in the Fifth

22 H. 8. c. 7. Horses.

25 H. 8. c. 2. Victuals not to be exported unless by Licence.

26 H. 8. c. 16. Cloths. Making perpetual 14, 15 H. 8. c. 3.

27 H. 8. c. 14. Leather.

33 H. 8. c. 7. Metal.

33 H. 8. c. 9. § 7. Bows not to be exported by Aliens.

33 H. 8. c. 16. § 2. Yarn.

1 E. 6. c. 5. Horses.

1 E. 6. c. 6. § 2. making perpetual 33 H. 8. c. 16. § 2.

2 & 3 E. 6. c. 37. Metal.

Fifth and Sixth Years of the Reign of the said King *Edward* the Sixth, intituled *An Act against Regrators of tanned Leather*, whereby it is enacted, "That no Person or Persons shall ship or cause to be shipped (to the Intent to carry, transport or convey over the Sea, as Merchandize to be sold or exchanged there), any Shoes, Boots, Buskins, Stertups or Slippers, upon pain to forfeit the same or the Value thereof;" — and also, So much of an Act made in the Parliament begun to be holden at *Westminster*, on the Second Day of *April*, in the First Year of the Reign of Queen *Mary*, intituled *An Act touching the buying and carrying of Leather*, whereby it is enacted or provided, "That Curriers, Shoemakers and Girdlers, nor any Person for them or for their Use, shall buy any Kind of tanned Leather to sell again to any Merchant or other Stranger to be conveyed over the Sea, nor shall send nor convey any Leather beyond the Sea, upon the Forfeiture of all such Leather so brought;" — and also, An Act made in the Parliament holden in the First and Second Years of the Reign of King *Philip* and Queen *Mary*, intituled *An Act to restrain carrying of Corn, Victuals and Wood, over the Sea*, so far as the same relates to Victuals and Wood; — and also, An Act made in the Fifth Year of the Reign of Queen *Elizabeth*, intituled *An Act against carrying of Sheep Skins and Pelts over the Sea, not being Staple Ware*, or so much of the said Act as shall be in force immediately before the passing of this Act; — and also, An Act made in the Eighth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act against carrying over Sea, Rams, Lambs and other Sheep alive*; — and also, Another Act made in the said Eighth Year of the Reign of Queen *Elizabeth*, intituled *An Act touching Cloth Workers and Cloths ready wrought to be shipped over the Sea*; — and also, An Act made in the Parliament of *Ireland*, in the Eleventh Year of the Reign of Queen *Elizabeth*, intituled *An Act for the staying of Wool Flocks and Tallow, and other Necessaries within this Realm*; — and also, An Act made in the said Parliament, in the Thirteenth Year of Queen *Elizabeth*, for explaining the said Acts of the Eleventh Year of Queen *Elizabeth*; — and also, An Act made in the Eighteenth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act against the transporting of Leather, Tallow and Raw Hides out of the Realm*; — and also, An Act made in the Thirty fifth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the bringing in Clap Board from the Parts of beyond the Seas, and the restraining of transporting of Wine Casks for the sparing and preserving of Timber within this Realm*; — and also, So much of an Act made in the Third Year of the Reign of King *James* the First, intituled *An Act for the Relief of such as lawfully use the Trade and Handicraft of Skinners*, whereby it is enacted, "That no Person or Persons shall transport or carry beyond the Seas, nor cause to be transported or carried beyond the Seas, nor shall pack, ship or lade to the Intent to transport or carry beyond the Seas, any Black Coney Skins of the Breed of this Realm, unless the same Skins shall first be tanned, and duly and perfectly wrought, dressed and packed within this Realm, by those that are Artizans, Skinners or Tanners unto the said Artizans Skinners, according to the Science, Art and Faculty of the said Artizans Skinners, upon pain of Forfeiture of such Skins or the Value thereof;" — and also, The whole of another Act made in the

5 & 6 E. 6. c. 15. § 5. Exporting Shoes, &c.

1 M. Sess. 3. c. 8. § 1. Leather.

1 & 2 P. & M. c. 8. Provisions, Wood, &c.

5 El. c. 22. Sheep Skins.

8 El. c. 3. Live Sheep.

8 El. c. 6. Cloths.

11 El. c. 10. (I.)

13 El. c. 2. (I.) Preventing Export of Wool.

18 El. c. 9. Leather.

35 El. c. 11. Clap Board to be imported for Beer exported.

3 Ja. 1. c. 9. § 1. Coney Skins.

3 Ja. 1. c. 11. Beer.

said Third Year of the Reign of the said King *James* the First, intituled *An Act for the Transportation of Beer over the Sea:* — And

Recited Acts repealed accordingly.

the said several Acts before mentioned, or so much and such Parts of the said several Acts respectively as are hereinbefore respectively recited and set forth, are hereby accordingly repealed, and from and after the passing of this Act shall cease and determine, and be of no Force, Effect or Validity whatsoever; any thing in the said recited Acts or any of them, or in any other Act or Acts for continuing or amending of the said Acts or any of them, or any Part thereof, or any Law, Usage or Custom whatsoever to the contrary in any wise notwithstanding: Except only so far as the said Acts or any of them, or any Thing therein contained, repeal any former Act or Acts, or any Part thereof, and which said Act or Acts, or the Part thereof, so repealed, shall remain and continue so repealed, to all Intents and Purposes whatsoever.

Except as they repeal former Acts.

Laws relating to the Staples become inoperative;

'V. And Whereas divers Laws, Statutes, Ordinances and Provi-
'sions have been from time to time made, relating to the Staples or
'Markets of Wools, Leather, Woolfels, Lead, Tin and other Com-
'modities of the Realm, and to the Places (within the Realm and
'without) where such Staples should be held, and to which such
'staple Commodities of the Realm should be brought or carried
'for Sale and Exportation, and relating to the Sale and Purchase
'and Export of such staple Commodities and to the Conduct of
'Merchants Strangers, and others, at such Staples: And Whereas
'such Staples or Markets have long ceased to be held, and the
'Laws relating to the same have become inoperative and inappli-
'cable to the Trade in the said Commodities, and it is therefore
'expedient that the said Laws should be expressly repealed:' Be it therefore enacted, That from and after the passing of this Act, the several Statutes and Ordinances hereinafter mentioned, and so much and such Parts of such Statutes and Ordinances respectively, as are hereinafter specified and set forth relating to the said Staples, shall be repealed; that is to say, The whole of a Statute or Ordinance made in the Twenty seventh Year of the Reign of King *Edward* the Third, intituled or known by the Name of *The Statute of the Staple*, or *The Ordinance of the Staples*, or by whatever Name, Title or Description the said Statute or Ordinance may have been or may be known, intituled or described; except only so far as is hereinafter specially excepted and provided for; — and also, An Ordinance made in the said Twenty seventh Year (or in the Twenty eighth Year) of the Reign of the said King *Edward* the Third, concerning the Sums to be paid to the Mayors and Constables of the Staples for their Services; or so much of the said several Statutes or Ordinances as shall be in force and unrepealed immediately before the passing of this Act; — and also, So much of a Statute made in the Twenty eighth Year of the Reign of the said King *Edward* the Third, whereby it is accorded and established, "That all the Ordinances made in the great Council holden at *Westminster*, the *Monday* next after the Feast of *Saint Mattheu* the Apostle, then last past, together with certain Declarations and Additions made in the Parliament of the said Twenty eighth Year, should be firmly kept and holden for a Statute to endure for ever;" — and also, So much and such Parts of the said Statute made in the Twenty eighth Year of the Reign of the said King *Edward* the Third,

Certain Statutes and Ordinances, or Parts thereof, repealed, viz.

Statute or Ordinance of the Staples.
27 E. 3. st. 2.

27 E. 3. st. 2. Ordinance for Fees of the Staple.

28 E. 3. c. 13. Confirming the Ordinances.

Packing of Wools, c. 13.

Third, whereby it is accorded and established, "That the Warranty of packing of Wools shall wholly be out, and that no Man be holden to make such Warranty, unless it is by a Covenant made by Deed ensealed; and that no Man other than a Merchant Denizen or Alien, shall be charged by the Laws and Usages of the Staple until they be declared in Parliament;" — and also, So much of the said last mentioned Statute as relates to the showing of Wools at the Staple, or within Three Miles about the Staple; or to the bounds of the Staple of *Westminster*, or in other Cities or Towns; — and also, So much of a Statute made in the Thirty first Year of the Reign of the said King *Edward* the Third, whereby it is accorded and established, "That the King assign his Justices to enquire, hear and determine of those that have carried Wools, Leather and Woolfells to the Parts beyond the Seas, and thereof have made Covin and Excess, and otherwise attempted against the Ordinances and the Form of the Statute of the Staple;" — and also, So much of the said last mentioned Statute as relates to the Exportation of Wools, Leather and Woolfells, and to the Refuse of Wools, and to the bringing Wools, Fells and Leather to the Staple, or to the Ports ordained for the Staple, or to the lodging, showing or selling of Wools within Three Miles of the Staple, or to the prolonging the Term for Exportation of Wools; — and also, So much of a Statute made in the Thirty sixth Year of the Reign of the said King *Edward* the Third as relates to the Cognizance of Debts, Covenants and Contracts, and other Pleas touching Merchandize, before Mayors and Constables of the Staples, and to the Suing by Merchants Aliens of their Plaints and Quarrels before the Mayor of the Staple, and to the Power of the Mayor of the Staple to take Recognizances of Debt; — and also, So much of a Statute made in the Thirty eighth Year of the Reign of the said King *Edward* the Third, whereby it is accorded and assented, "That the Staple shall be in *England*, and that the Statute of the Staple made in the Seven and twentieth Year of the Reign of the said King *Edward* the Third, with the Declarations, Additions and Modifications thereof made, be holden and kept, notwithstanding any Grant, Licence or other Statute or Ordinance made afterward;" — and also, So much of a Statute made in the Forty third Year of the Reign of the said King *Edward* the Third, as relates to abolishing the Staple at *Calais*, and as directs that the Staple of Wools, Woolfells and Leather shall be holden in certain Places in *England*, *Wales* and *Ireland*; and as relates to the weighing, sealing, cocketing and customing of Wools, Woolfells and Leather at the said Staples, before the said Wools, Woolfells or Leather shall pass out of the Realm, and as relates to the carrying Wools, Woolfells and Leather out of the Realm by Aliens and not by Denizens, and as imposes or inflicts any Forfeiture or Penalty on such Exportation by Denizens; — and also, So much of a Statute made in the Parliament holden at *Gloucester*, in the Second Year of the Reign of King *Richard* the Second, whereby any Saving is made for the Ordinances made before that Time of the Staple of *Calais*, to be holden in their Force and Virtue; — and also, So much of the said last mentioned Statute as relates to Merchants of *Genoa*, *Venice*, *Catalonia*, *Arragon*, and of other Lands, Realms and Countries towards the West, carrying Wools, Leather, Woolfells, Lead, Tin and other Merchandizes of the

Usage of Staples.

28 E. 3. c. 14. Showing of Wools.

28 E. 3. c. 15. Bounds of the Staples.

31 E. 3. cc. 7. 8, 9. Punishing Exportation of Wool, &c. contrary to the Staple Laws.

Exportation of Wools, &c.

36 E. 3. c. 7. Power of Mayors, &c. of the Staples.

38 E. 3. st. 1. c. 7. confirming 27 E. 3. st. 2.

43 E. 3. c. 1. Staples for Wool, and exporting of Wool by Aliens.

2 R. 2. st. 1. c. 1. Saving for Ordinances of Staple at Calais.

2 R. 2. st. 1. c. 3. Merchants of Genoa, &c.

Staple, into their Country towards the West, paying the Customs, Subsidies and Duties, and finding the Surety in the said Act mentioned; — and also, So much of a Statute made in the Twelfth Year of the Reign of King *Richard* the Second, whereby it is ordained and assented, "That the Staple be removed from *Middleburgh* to *Calais*;" — and also, So much of a Statute made in the Fourteenth Year of the Reign of King *Richard* the Second, whereby it is ordained and established, "That the Staple be removed from *Calais* into *England*, and that it be holden in the Places contained in the Statute of the Staple, made in the Seven and twentieth Year of the said King's Grandfather, and in none other Places; and that the said Statute be holden and kept, and duly executed in all Points, with the Additions in the said Statute of the Fourteenth Year of King *Richard* the Second, notwithstanding any Declaration or Statute made to the contrary;" — and also, So much of the said Statute of the Fourteenth Year of the Reign of King *Richard* the Second, whereby it is ordained and established, "That in every Port and Place where the Staple shall be, the Mayors, Constables, Brokers and all other Officers and Ministers of the Staple, shall be sworn, first to the King, and afterwards to the Staple;" — and also, So much of the said last mentioned Statute, whereby it is ordained and established, "That no Denizen carry Wools, Leather, Woolfells, nor Lead, out of the Realm of *England* to the Parts beyond the Sea, upon Pain of Forfeiture of the same, but only Strangers;" — and also, So much of the said last mentioned Statute as relates to Recognizances of Debts made before, or taken or received by any Mayor of the Staple, and to any Penalty in respect of such Recognizance taken contrary to the Statute of the Staple; — and also, So much of a Statute made in the Twenty first Year of the Reign of the said King *Richard* the Second as relates to the Exportation of Wools, Leather, Woolfells, Tin and Lead, to any other Place than to the Staple at *Calais*; — and also, So much of a Statute made in the Second Year of the Reign of King *Henry* the Fifth, in a Parliament holden at *Westminster* the *Monday* next after the Octaves of *Saint Martin*, whereby an Ordinance made in the First Year of the Reign of King *Henry* the Fourth, relating to the Staple of Wools, Leather, Woolfells, Lead and Tin, at *Calais*, was confirmed; and whereby it was ordained, "That no Wools, Fells, Leather, Lead or Tin, nor none other Merchandize of the Staple, should be sent or carried to any Parts beyond the Sea, unless they were first brought to the said Staple at *Calais*, after the Form of the said Ordinance, upon the Penalties and under the Regulations in the said last recited Statute mentioned and provided;" — and also, So much of a Statute made in the Second Year of the Reign of King *Henry* the Sixth, whereby it was ordained and established, "That any Statutes or Ordinances relating to the Staple at *Calais*, before then made and not repealed, should be holden and kept and put in due Execution, and that the whole Repair of Wools, Woolfells, Leather, Lead, Tin whole or molten, called Shotten Tin, and all other Merchandises pertaining to the Staple, passing out of the Realm of *England* and of the Countries of *Wales* and *Ireland*, should be at the said Place of *Calais*, and at none other Place beyond the Sea, as long as the said Staple should be at the Town of *Calais*, upon Pain of Forfeiture of the very Value of the Merchandizes which should pass elsewhere

12 R. 2. c. 16. Staple at Calais.

14 R. 2. c. 1. Staple Towns in England.

14 R. 2. c. 3. Officers of the Staple.

14 R. 2. c. 5. Exporting Staple Goods by Aliens.

15 R. 2. c. 9. Recognizances.

21 R. 2. c. 17. Exporting Staple Goods.

2 H. 5. st. 2. c. 6. Staple at Calais.

2 H. 6. c. 4. Staple at Calais

where but to the Parts towards the West named in the said Statutes thereof made;" — and also, So much of the said last mentioned Statute, as relates to Licences for the Shipping of Wools, Fells and Leather of *Northumberland*, *Westmorland*, *Cumberland* and the Bishopric of *Durham*; — and also, So much of the said last mentioned Statute, whereby it is ordained and established, "That if any Person carry, or cause to be carried, any Wools or Woolfells not customed out of the Realm to other Places than to the Staple of *Calais*, he shall forfeit to the King the Value of the Merchandizes so shipped, and his Body to Prison till he hath made and paid a Fine and Ransom; and that he hath giveth Knowledge to the Treasurer of *England* for the Time being, and the Trespasser for the same duly convict, shall have the Fourth Part of the Forfeiture due to the King in this Behalf;" — and also, So much of the Statute made in the Third Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained and established, "That he that will carry Butter and Cheese to any other Parts than to the Staple at *Calais*, shall sue to the Chancellor of *England* for the Time being, to have a Licence in this Behalf; and that the same Chancellor have Power to make to him such Licences under the King's Great Seal, if it like him so to do by his Discretion:" — and also, So much of a Statute made in the Sixth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That every Merchant, as well Denizen as Alien, may freely and safely ship Wools, Leather, Woolfells and other Merchandizes of the Staple, in the Port of *Melcombe* in the County of *Dorset*, and from thence carry them to the Staple of *Calais*, paying the Customs and Subsidies due to the King;" — and also, So much of a Statute made in the Eighth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That no Person ship, nor do to be shipped, no manner of Woola, Woolfells, Leather, Lead nor Tin, whole nor shotten, nor the same carry nor convey to none other Parts beyond the Sea, but only to the Staple of *Calais*;" and whereby any Forfeiture or Penalty is imposed or inflicted, or made payable in respect of Merchandizes carried or conveyed contrary to the ordaining of the said Statutes; — and also, So much of the said last mentioned Statute as relates to the Sale of Wools, Woolfells and Tin at the Staple of *Calais*, and the Payment for the same and the bringing Bullion to the Mint there, and the Partition of the Money for Wools and Woolfells sold there, and the Acquittances to Merchants Buyers; — and also, So much of the said last mentioned Statute, whereby it is ordained, "That no Merchant continually inhabiting within the Town of *Calais*, shall be suffered to buy beyond the Sea, any Manner of Wools, Woolfells, Leather, Lead nor Tin, nor other Merchandize pertaining to the Staple, upon Pain of Forfeiture of the same;" — and also, So much of the said last mentioned Statute, whereby it is ordained, "That certain Licences to the Men of *Newcastle* and *Berwick*, for the exporting of Wools, shall be repealed; and that, if any of evil Will do sell or carry any Wools or Woolfells, Leather, Lead or any other Merchandizes of the Staple, in Defraud of the King or Hinderance of the Commodity of his Realm, into *Scotland*, that he shall forfeit the same Goods with the Double Value, and his Body to Prison by the Space of a Year;" — and also, So much of a Statute made in

2 H. 6. c. 5. Exporting Wools not customed.

3 H. 6. c. 4. Exporting Butter and Cheese.

6 H. 6. c. 6. Exporting Staple Goods from Melcombe.

8 H. 6. c. 17. Exporting Staple Goods except to Calais.

8 H. 6. c. 18. Sale of Staple Goods at Calais.

8 H. 6. c. 20. Purchase of Staple Goods by Merchants of Calais.

8 H. 6. c. 21. Export of Wool, &c. from Newcastle, &c. to Scotland.

10 H. 6. c. 1. Recognizances of the Staple at Calais.

the Tenth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That all the Recognizances of Debts, before the Mayor and Constables of the Staple of *Calais*, made or to be made by any Persons beyond the Sea, shall be as effectual and executory, and of such Force in all Points within the Realm, and in the same Form executory, as the Recognizances made before the Mayor and Constables of the Staple of *Westminster*, or before any other Mayors or Constables within the said Realm be;" — and also, So much of the said last mentioned Statute, whereby any Penalty or Forfeiture is imposed or made payable, or any Search is authorized, in respect of any Wool, Woolfells, Hides, Lead, Tin or other Merchandizes of the Staple, carried into *Scotland*, *Flanders*, *Holland*, *Zealand* or *Brabant*; — and also, So much of a Statute made in the Eleventh Year of the Reign of King *Henry* the Sixth, whereby it is ordained, "That the Ordinance and Statute made in the Eighth Year of the said King *Henry* the Sixth, and hereinbefore recited, relating to the Sale of Wools, Woolfells, and Tin, at the Staple of *Calais*, and the Payment for the same, and the bringing Bullion to the Mint there, and the Partition of the Money for Wools and Woolfells sold there, should be continued; saving to the King Power and Authority to modify the same Statute by the Advice of his Council;" — and also so much of the said Statute of the Eleventh Year of the Reign of King *Henry* the Sixth, whereby it is ordained and established, "That none, upon Pain of Felony, bring, carry or ship, nor cause to be brought, carried nor shipped, any Merchandizes of the Staple, in any Creeks within the Realm of *England*;" — and also, So much of a Statute made in the Fourteenth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That no Licences mentioned in the said Statute, as prejudicial and contrary to the common and universal Weal of the Realm and of the Merchants, and in Destruction of the Town of *Calais*, and of the Ordinance of Partition made in the Eighth Year of the Reign of the said King, shall in nowise be granted; and that every Man which shippeth, or doeth to be shipped, any Woole or Woolfells to carry them over the Sea in any wise, shall repair with the same to *Calais*, and there discharge the said Wools and Woolfells, after the Tenor of the Statutes, and after the good Rules and Ordinances of the Staple, saving as in the said Statute is saved and provided;" — and also, So much of the said Statute of the Fourteenth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That all the Wools and Woolfells, and all other Merchandizes, which by Statute ought to repair to the Staple of *Calais*, found in any Creek, shipped contrary to the Statute and Ordinance made in the Eleventh Year of the Reign of the said King *Henry* the Sixth, and hereinbefore recited and repealed, shall be forfeit: And that every Person that shall ship or cause to be shipped, any manner of Wools, Woolfells, or other Merchandize, to go to the Staple aforesaid, and come not there, shall forfeit as much Goods as the Wools, Woolfells and other Merchandizes by them so shipped and carried to other Places than to *Calais* do amount, by Extent after the very Value, except the Merchandizes which be to be excepted to pass by the King's Licence to other Places: And that if any Person lay any Wools, Woolfells or other Merchandize of the Staple, in any suspicious Place adjoining to the Water Side,

10 H. 6. c. 7. Exporting Staple Goods to Scotland, Holland, &c.

11 H. 6. c. 13. continuing 8 H. 6. c. 18.

11 H. 6. c. 14. Shipping Staple Goods in Creeks.

14 H. 6. c. 2. Exporting Staple Goods to Calais.

14 H. 6. c. 5. Shipping Staple Goods in Creeks, &c.

Side, and no Indenture thereof made betwixt him and the Mayor, Bailiffs or Constables of the Town in which such Wools, Woolfells and other Merchandize of the Staple be so laid, that the said Wools, Woolfells and Merchandize be forfeit; and that every Man shall have Power to make Search in every Place for such Goods of the Staple so carried or shipped, or laid to be shipped as aforesaid, without Impediment or Disturbance of any Person;" — and also, So much of a Statute made in the Fifteenth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That no Person shall ship nor do to be shipped, Wools, Woolfells and other Merchandizes pertaining to the Staple, in no Place within the Realm, but only at the Keys and Wharfs being in the Ports assigned by Statute, where the King's Weights and his Beam be set; and that every Master of the Ships and Vessels in which such Wools and Woolfells and Merchandizes be put, shall find Security to the Customer of the Ports where they do ship to carry the said Wools and Woolfells and Merchandize to the Staple of *Calais*, and to bring a Certification from thence that he hath so done;" — and also, So much of a Statute made in the Eighteenth Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained, "That no manner of Person shall carry or do to be carried any Wools or Woolfells customable out of the Realm to other Places than to the Staple of *Calais*, without the King's Special Licence, upon Pain of Felony; and that if any Person do contrary thereto, and thereof be convicted or attainted, that he be adjudged for a Felon;" and also, So much of the said Statute as relates to the enquiring, hearing and determining of such Offences; — and also, So much of a Statute made in the Twentieth Year of the Reign of the said King *Henry* the Sixth, as relates to a certain Ordinance of Partition made upon Wools and Woolfells in the Staple at *Calais*; — and also, So much of a Statute made in the Twenty seventh Year of the Reign of the said King *Henry* the Sixth, whereby it is ordained and established, "That the Mayors, Constables and Fellowship of Merchants of the Staple of *Calais* for the time being, and their Successors for ever, may have and enjoy all their Franchises and Liberties, and every of them, and whole Repair of all manner of Merchandizes to the said Staple by the said King or his Progenitors, to them or to their Predecessors, or any of them, by the Authority of Parliament granted or confirmed, not repealed nor accepted;" and also, So much and all such Parts of the said last mentioned Statute as in any way relate to the said Mayor, Constables and Fellowship, and their Successors, or to any Powers, Authorities or Privileges to be used or exercised by them, or to any Action or Suit to be brought by them under the said Statute; and also, So much and such Parts of the said Statute as relate to any Licence for shipping Wools, Woolfells or Tin, out of the Realm of *England*, *Ireland* or *Wales*, to any other Place than to the Staple of *Calais*; or to the Shipping or carrying any Wools, Woolfells or Tin out of the Realm by colour of any Licence, and putting them to Sale in any other Port or Place out of the Realm than at the said Staple of *Calais*; or to any Penalties or Forfeitures of Money, Goods or Chattels imposed or inflicted in respect of any such Offences by the said Statute; or to any Powers of seizing any Wools, Woolfells or Tin, carried or shipped contrary to the said Statute;

15 H. 6. c. 8. Shipping Staple Goods at the lawful Keys, &c.

18 H. 6. c. 15. Exporting Wools, except to Calais, Felony.

20 H. 6. c. 12. Partition of Price of Wools sold at Calais.

27 H. 6. c. 2. Confirming the Privileges of the Mayor, &c. of the Staple at Calais.

Statute; or to any Penalties on any Customer, Comptroller, Searcher or Surveyor, admitting any such Wools, Woolfells or Tin to be shipped to any other Port or Place than to the said Staple, or willingly suffering any such Merchandizes to pass out of the Realm, not customed or not weighed at the King's Beam; or to the Mode of recovering such Penalties; or to the Trial of any thing done contrary to the Ordinance of the said Statute, either within the Realm or without;—and also, So much and such Parts of a Statute made in the Third Year of the Reign of King *Edward* the Fourth, as relates to the buying or shipping of Wools or Woolfells, Morling or Shorling, by Aliens or Strangers within the Realm, or the carrying the same by them out of the Realm; or to the carrying any Wools, Woolfells, Morling or Shorling out of the Realm, by any Person, Stranger, Alien or Denizen, or to the shipping or carrying such Wools, Woolfells, Shorling or Morling to any Place out of the said Realm except to *Calais*; or to the shipping any Wools, Woolfells, Shorling or Morling of the growing within any of the Counties of *Northumberland*, *Cumberland* and *Westmorland*, or within the Bishopric of *Durham*; or to any Pain, Penalty or Forfeiture whatever, in respect of any Offences against the said Provisions of the said Statute;—and also, So much of the said last mentioned Statute, whereby it is ordained and established, "That no Merchant of the said Staple of *Calais* shall sell or utter any Wools, Woolfells, Morling or Shorling, or any other Merchandizes of the Staple, at the said Staple, but that he, before or upon Delivery of the same, receive and take ready Payment and Contentation for the same in manner directed by the said Statute, upon the Penalty or Forfeiture in the said Statute mentioned; and that no Merchant of the said Staple shall sell or utter or alter the Property from him of the said Merchandizes of the Staple, nor no Part of the same, at any Place out of the Realm, other than at the said Staple of *Calais*;"—and also, So much and such Parts of a Statute made in the Fourth Year of the Reign of the said King *Edward* the Fourth, whereby it is granted, ordained and established, "That all Wools and Woolfells, Shorling and Morling that shall be shipped to pass out of the Realm, shall be shipped at the Towns of such Ports wherein the King hath his Beam, his Weights and Collectors of the Customs, to serve and deliver the Merchandize as specified and set forth in the said Statute; and that every Person that so shall ship or cause to be shipped out of this Realm, any Wools, Woolfells, Shorling or Morling, upon the shipping of them, and before that they pass out of any of the said Towns where they shall be shipped, shall find Surety to the King and the Collector of his Customs there, that the same Wools, Woolfells, Shorling and Morling, shall pass to *Calais* and to none other Place, without Fraud or Collusion;"—and also, So much of the said last mentioned Statute as relates to any Certificate of the Customer testifying the coming of all such Ships with Wools, Woolfells, Shorling and Morling to *Calais*, or as imposes any Penalty on such Customer not giving such Certificate, or on any Person not bringing in such Certificate, or on any Person doing contrary to the said Statute, or as relates to the Application or Recovery of any such Penalty;—and also, So much of the said last mentioned Statute as relates to the shipping of any Wool or Woolfells, Morling or Shorling, shipped

3 & 4 E. 4. c. 1. Buying and exporting Wool.

Selling Staple Goods at Calais.

4 E. 4. c. 2. Shipping Wools for Exportation to the Staple at Calais, &c.

4 E. 4. c. 3. Shipping Wools at Newcastle.

12 E. 4. c. 5. Exporting

shipped at the Port and Town of *Newcastle*, or as imposes any Penalty or Forfeiture in respect of any such Wools, Woolfells, *Morling* or Shorling, at the said Town or Port, or as relates to the Application or Recovery of any such Penalty or Forfeiture;—and also, So much of a Statute made in the Twelfth Year of the Reign of the said King *Edward* the Fourth, whereby it is enacted, ordained and established, "That all the Wools, Woolfells and Fells called Shorling and Morling, growing within the Realm (other than in the said Statute are excepted) to be shipped and conveyed out of the Realm, shall be conveyed to the Staple of *Calais*, and to none other Place, and that if any Man do the contrary, and thereupon be duly convict, that then he shall stand and be of like Condition as a Man attainted of Felony after the Course of the Common Law, and shall incur like Pain and Forfeiture as he so attainted for the same should do;"—and also, So much of the said last mentioned Statute whereby it is ordained, "That all Wools and Woolfells, and Fells called Morling and Shorling, growing or being in any County of the Realm, or in *Wales*, or in the Markets of the same, other than before excepted, to be carried out of the Realm, shall be conveyed to the said Staple of *Calais* and to none other Place, upon the same Penalty and Forfeiture; the Prerogative of the King to grant any Licence to the contrary except;"—and also, So much of a Statute made in the Fourteenth Year of the Reign of the said King *Edward* the Fourth, whereby it is ordained and established, "That the Act of the Twelfth Year of the Reign of the said King *Edward* the Fourth, immediately hereinbefore recited, should be in full Strength and Effect in every Point thereof, saving only as in the said Statute of the said Fourteenth Year is saved and excepted;"—and also, So much of the said Statute of the said Fourteenth Year as relates to Wools, Woolfells and Fells called Shorling and Morling, growing and being within the Counties of *Westmorland*, *Cumberland*, *Northumberland*, the Bishopric of *Durham*, *Richmondshire* and *Allerton*, to be carried out of the Realm: And the said several Statutes and Ordinances hereinbefore recited, and so much and such Parts of the several other Statutes as are hereinbefore recited and set forth, are hereby accordingly repealed, and from and after the passing of this Act shall cease, determine, and be of no Force, Effect or Validity whatsoever, except as in this Act is excepted or provided for; any thing in the said recited Statutes and Ordinances, or any of them, or in any Statute or Act for continuing or amending of the said Statutes or Ordinances, or any of them, or any Part thereof, or any Law, Usage or Custom whatsoever to the contrary in any wise notwithstanding; except so far as the said Statutes or Ordinances, or any of them, or any thing therein contained, repeal any former Statute or Statutes, or Act or Acts, or any Part thereof; and all and every of which said Statutes or Statute, or the Parts thereof, so repealed, shall remain and continue repealed to all Intents and Purposes whatsoever.

Wools to Calais, &c.

14 E. 4. c. 8. Confirming and amending 12 E. 4. c. 5.

The said Statutes, Ordinances, and Parts of Statutes, repealed accordingly;

except as herein provided for, and so far as they repeal former Statutes.

VI. And be it further enacted, That from and after the passing of this Act, the several Acts hereafter mentioned, or so much and such Parts of the said Acts respectively as are hereinafter recited, shall be repealed; that is to say,—An Act made in the First Year of the Reign of King *Henry* the Seventh, intituled *An Act that no Potection*

Certain Acts and Parts of Acts repealed.

1 H. 7. c. 3. Suits before Mayor.

Protection shall be allowed before the Mayor of the Staple at Calais;—and also, So much of an Act made in the Thirty seventh Year of the Reign of King *Henry* the Eighth, intituled *An Act against regrating of Wools*, as relates to the buying of any Wool by Merchants of the Staple at *Calais*, and their Servants and Factors, for the only Provision of the said Staple, and to be shipped only to the said Staple;—and also, So much of an Act made in the Parliament holden in the Fifth and Sixth Years of the Reign of King *Edward* the Sixth, intituled *An Act limiting the Time of buying and selling of Wools*, as relates to the buying of Wool by any Merchant of the Staple at *Calais*, or his or their Apprentice or Apprentices, to be shipped to the Staple at *Calais*, and to the Sale by the said Merchants of the Staple, of any Refuse, coarse Wools and Locks, such as is not mete for the Staple;—and also, So much of an Act made in the Fifth Year of the Reign of Queen *Elizabeth*, intituled *An Act against the carrying of Sheep Skins and Pelts over the Sea not being Staple Ware;* whereby it is provided, "That it shall and may be lawful to the Merchants of the Staple, their Servants, Factors and Attornies, and every of them to carry and transport all such lawful Wares as theretofore they had been accustomed and lawfully might;—and also, An Act made in the Parliament of *Ireland*, in the Thirteenth Year of the Reign of Queen *Elizabeth*, intituled *An Act that such Cloth and Stuff as shall be wrought of the Wool Flocks, Linen Yarn, Woollen Yarn, Sheep Fell, Calf Fell, Goat Fell, Red Deer Fell or Fallow Deer Fell, within this Realm, shall be transported for Merchandize only by the Merchants within every the Staple Cities and Towns of this Realm, and by the free Merchants of the Boroughs and Privileged Towns, and by none others;*" and the said several Acts before mentioned, or so much and such Parts of the said several Acts respectively, as are hereinbefore respectively recited and set forth, are hereby accordingly repealed; and from and after the passing of this Act shall cease and determine, and be of no Force, Effect or Validity whatsoever; any thing in the said recited Acts or any of them, or in any Act or Acts for continuing or amending of the said Acts or any of them, or any Part thereof, or any Law, Usage or Custom whatsoever to the contrary in any wise notwithstanding; except only so far as the said Acts or any of them, or any thing therein contained, repeal any former Statute or Statutes, or Act or Acts, or any Part thereof; and which said Statute or Statutes, or Act or Acts, or the Part thereof so repealed, shall remain and continue repealed to all Intents and Purposes whatsoever.

37 H. 8. c. 15. Regrating.

5 & 6 E. 6. c. 7. Buying Wool.

5 El. c. 22. § 3. Staple Wares.

13 El. c. 1. (I.) Staple Merchants.

Recited Acts repealed accordingly;

except as they repeal former Acts.

VII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter the several Statutes or Acts, or Parts of Statutes or Acts, or any of them hereinafter mentioned; that is to say, A Statute made in the Thirteenth Year of the Reign of King *Edward* the First, usually called The Statutes of Merchants; so much of the hereinbefore mentioned Statute of the Staple or Ordinance of the Staples made in the Twenty seventh Year of the Reign of King *Edward* the Third, as relates to Recognizances acknowledged in the Staples for Recovery of Debts;—So much of a Statute made in the Fifteenth Year of King *Richard* the Second, whereby so much of the said last mentioned Statute of the Twenty seventh Year of King *Edward* the Third, as relates

Proviso for Statute 13 E. 1. 27 E. 3. st. 2. c. 9.

15 R. 2. c. 9.

relates to the said Recognizances, is confirmed or amended; — So much of a Statute made in the Fifth Year of the Reign of King *Henry* the Fourth, as relates to the regulating of Executions upon Statutes Merchants; — So much of a Statute made in the Eleventh Year of the Reign of King *Henry* the Sixth, as relates to the regulating Proceedings on Writs of *Scire facias* to defeat Executions on Statutes Staple; — The whole of an Act 'For Obligations to be taken by the Two Chief Justices, the Mayor of the Staple and the Recorder of *London*,' made in the Twenty third Year of the Reign of King *Henry* the Eighth, and intituled *An Act concerning before whom Recognizances of Debt shall be made, and the Form of the Obligation;* — So much of an Act made in the Twenty seventh Year of the Reign of Queen *Elizabeth*, intituled *An Act against covenous and fraudulent Conveyances*, as in any way relates to or concerns Recognizances by Statutes Merchant, or Statutes of the Staple; — an Act made in the Eighth Year of the Reign of King *George* the First, intituled *An Act for supplying some Defects in the Statute of the Twenty third of King* Henry *the Eighth, intituled* '*An Act for Obligations to be taken by the Two Chief Justices, the* '*Mayor of the Staple and the Recorder of* London;' *and for setting down the Time of signing Judgments in the Principality of* Wales *and Counties Palatine;* But the said several Statutes and Acts, and the several Provisions therein contained, so far as the same relate to such Obligations and Recognizances, shall be and remain, the same and are hereby declared to be and remain, in such Force and Effect as the said Statutes or Acts, and the said Provisions contained therein or in any of them, were immediately before the passing of this Act.

5 H. 4. c. 12.

11 H. 6. c. 10.

23 H. 8. c. 6.

27 El. c. 4. § 7. &c.

8 G. 1. c. 25. as to Proceedings on Recognizances by Statutes Staple.

VIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal so much or such Part of the said recited Statute made in the Twenty eighth Year of the Reign of King *Edward* the Third, confirming the Ordinance of the Staple, whereby it is accorded and established, 'That in all manner of Inquests and Proofs which be to be taken or made among Aliens and Denizens, be they Merchants or other, as well before the Mayor of the Staple as before any other Justices or Ministers, although the King be Party, the One Half of the Inquest or Proof shall be of Denizens and the other Half of Aliens, if so many Aliens be in the Town or Place where such Inquest or Proof is to be taken, that be not Parties nor with the Parties in Contracts, Pleas or other Quarrels, whereof such Inquest or Proofs ought to be taken; and that if there be not so many Aliens, then shall there be put in such Inquests or Proofs as many Aliens as shall be found in the same Towns or Places which be not thereto Parties nor with the Parties as afore is said; and the Remnant of Denizens which be good Men and not suspicious to the one Party nor to the other:' — Nor to extend or be construed to extend to repeal or alter so much of a Statute made in the Eighth Year of the Reign of King *Henry* the Sixth, whereby it is declared that so much of a Statute made in the Second Year of the Reign of King *Henry* the Fifth as is recited in the said Statute of the Eighth Year of King *Henry* the Sixth, shall extend only to Inquests to be taken between Denizen and Denizen; and that so much of the said Statute of the Twenty eighth Year of the Reign of King

Proviso that so much of 28 E. 3. c. 13. 8 H. 6. c. 29. as relate to Juries where Aliens are Parties, shall remain in force.

King *Edward* the Third, as is hereinbefore recited, shall be put in due Execution; and so much and such Parts of the said several Statutes as relates or relate to such Inquests and Proofs, shall be and remain, and the same is and are hereby declared to be and remain in full Force and Effect; any thing in this Act contained to the contrary in any wise notwithstanding.

Proviso for gauging of Liquors in London.

IX. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal any of the Statutes or Acts, or Parts of Statutes or Acts, hereinbefore mentioned, so far as the same or any of them may relate to the Contents of Tuns, Pipes, Tertians, Hogsheads or other Vessels of Wine, Oil, Honey and other gaugable Liquors or Articles imported into the City of *London* or the Liberties thereof, or the gauging thereof, which the Mayor and Commonalty and Citizens of the City of *London* are, by divers Grants and Charters of His Majesty's Royal Predecessors, or claim to be, authorized or empowered to gauge within the City of *London* and the Liberties thereof; nor to repeal the Duty called Gauge, which the said Mayor and Commonalty and Citizens are entitled, or claim to have, receive and enjoy by virtue of the aforesaid Grants or Charters, or any of them; but the same shall continue and be used and exercised as if this Act had not been passed.

Certain Acts heretofore repealed to remain repealed; viz.

'X. And Whereas certain Statutes and Acts, or certain Parts 'thereof, relating to the Importation and Exportation of divers 'Goods and Merchandize, have been heretofore repealed, and it 'is expedient that the same should be specified in this Act;' For the more completely effecting the Purposes of this Act, be it therefore enacted, That the several Statutes and Acts, and Parts thereof, hereinafter mentioned and specified, shall be and remain repealed; that is to say, So much of a Statute made in the Fourteenth Year of the Reign of King *Richard* the Second, as ordains that the Passage of Tin out of the Realm shall be at the Port of *Dartmouth*, and no where else;—and also, So much of a Statute made in the Fifteenth Year of the Reign of the said King *Richard* the Second, as concerns the Carriage of Tin to *Calais*;—and also, So much of a Statute made in the Second Year of the Reign of King *Henry* the Fourth, as prohibits the bringing in of Coin of *Flanders* or *Scotland*, and other Foreign Coin; and which Parts of the said several Statutes are repealed by an Act made in the Twenty first Year of the Reign of King *James* the First, intituled *An Act for continuing and reviving of divers Statutes and Repeal of divers others*;—and also, So much of a Statute made in the Eighth Year of the Reign of King *Henry* the Sixth, whereby it was ordained and established, that none of the King's Subjects, being *Englishmen*, should go or repair into any of the Parts, Lordships or Dominions of the King of *Denmark*, and which Part of the said recited Statute was repealed by an Act made in the First Year of the Reign of King *Henry* the Eighth, intituled *An Act for the repealing of a Statute for fishing in* Iceland;—and also, So much of an Act made in the Third Year of the Reign of King *Henry* the Seventh, intituled *An Act against Merchants carrying of Goods from one Port to another, without a Certificate from the Customer where the Goods were first entered*; whereby it was ordained and established, that no manner of Merchant, Denizen nor Stranger, should take upon him to

14 R. 2. c. 7.

15 R. 2. c. 8. Export of Tin.

2 H. 4. c. 6. Foreign Coin, repealed by 21 J. 1. c. 28. § 11.

8 H. 6. c. 2. repealed by 1 H. 8. c. 1.

3 H. 7. c. 7. entering Goods in the Names of others, repealed by 1 H. 8. c. 5.

to enter or cause to be entered in the Books of any Customer of any Port within the same, any manner of Merchandize coming into the Realm or going out of the same, in any other Merchant's Name, save only the Name of the Merchant owing the same, upon Pain of Forfeiture of all such Goods and Merchandizes so entered, and which Part of the said recited Act is repealed by an Act made in the First Year of the Reign of King *Henry* the Eighth, intituled *An Act for the true Payment of the King's Customs*; — and also, An Act made in the Third Year of the Reign of King *Henry* the Eighth, intituled *An Act concerning Hats and Caps*; — and also an Act, made in the Twenty first Year of the Reign of the said King *Henry* the Eighth, intituled *An Act limiting the Prices of Hats and Caps brought from beyond the Seas*; — or, *An Act limiting the Prices of Woollen Hats, Bonnets and Caps made beyond the Sea, and brought to be sold within this Realm*; — and also, An Act made in the First Year of the Reign of Queen *Mary*, intituled *An Act for the Sale of Hats and Caps made beyond the Seas*; — and which said Three last mentioned Acts are repealed by an Act made in the First Year of the Reign of King *James* the First, intituled *An Act for continuing and reviving of divers Statutes, and for repealing of some others*; — and also, An Act made in the Fifth Year of the Reign of the said King *Henry* the Eighth, intituled *An Act that Strangers buy no Leather but in open Market*; or, *An Act for Strangers for buying of Leather in open Market*; and which Act was repealed by an Act made in the Fifth Year of the Reign of Queen *Elizabeth*, intituled *An Act touching Tanners, Curriers, Shoemakers and other Artificers occupying the cutting of Leather*; — and also, An Act made in the Twenty first Year of the Reign of King *Henry* the Eighth, intituled *An Act for the Linen Drapers in* London, which is repealed by an Act made in the Twenty eighth Year of the Reign of the said King *Henry* the Eighth, intituled *An Act repealing of the Statute lately made, for the bringing in of Dowlas and Loberams*; — and also, An Act made in the Parliament of *Ireland*, in the Twelfth Year of the Reign of King *Edward* the Fourth, intituled *An Act for bringing Bows into this Realm, from the Realm of* England, *by Merchants and others*, and which was repealed by an Act made in the Parliament of *Ireland*, in the Tenth Year of the Reign of King *Charles* the First, for repealing the said Act of King *Edward* the Fourth; — and also, An Act made in the Parliament holden in the Second and Third Years of the Reign of King *Edward* the Sixth, intituled *An Act against the carrying of White Ashes out of this Realm*, which was repealed by an Act made in the Twenty eighth Year of the Reign of His late Majesty King *George* the Third, for repealing the said Act of King *Edward* the Sixth; — and also, An Act made in the First Year of the Reign of Queen *Elizabeth*, intituled *An Act that carrying of Leather, Tallow or Raw Hides out of the Realm for Merchandize, shall be felony*; and which Act was repealed by an Act made in the Eighteenth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act against the transporting of Leather, Tallow and Raw Hides out of the Realm*; — and also, So much of an Act, made in the First Year of the Reign of King *James* the First, intituled *An Act concerning Tanners, Curriers, Shoemakers and other Artificers occupying the cutting of Leather*; whereby any Penalty

3 H. 8. c. 15.
21 H. 8. c. 9.
1 M. sess. 2. c. 11.
Foreign Hats and Caps, repealed by 1 J. 1. c. 25. § 7.

5 H. 8. c. 7.
Foreigners buying Leather, repealed by 5 El. c. 8. § 44.

21 H. 8. c. 14.
Linens imported, repealed by 28 H. 8. c. 4.

12 E. 4. c. 2. (I.)
Importing Bows, repealed by 10 C. 1. st. 3. c. 22. (I.)

2 & 3 E. 6. c. 26.
Exporting Ashes, repealed by 28 G. 3. c. 16.

1 El. c. 9.
Exporting Leather, repealed by 18 El. c. 9.

1 J. 1. c. 22. § 48.
Exportation of Leather,

repealed by 48 G. 3. c. 60. § 1.

Penalty is imposed on Officers of Customs, permitting the undue Exportation of Leather, and the whole of which Act, of the First Year of King *James*, is repealed by an Act made in the Forty eighth Year of the Reign of His late Majesty King *George* the Third, made among other Things for repealing the said Act of King *James* the First; — and also, The several Acts made in the Fifth, Twenty seventh and Thirty third Years of the Reign of King *Henry* the Eighth, relating to the Exportation of Cloths, and which Acts were repealed by an Act made in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal several Acts respecting the Woollen Manufacture, and for indemnifying Persons liable to any Penalty for having acted contrary thereto*; — and also, The several Acts or Parts of the Statutes made in the Third Year of the Reign of King *Edward* the Fourth, and in the First Year of the Reign of King *Richard* the Third, and which Acts or Parts of Statutes were repealed, or were intended, or which purport to be repealed by an Act made in the Fifty sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to repeal Two Acts passed in the Reign of King* Edward *the Fourth, and King* Richard *the Third, which prohibit the Importation of Wrought Goods and certain other Articles*; — and also, So much and such Parts of the Statutes, made in the Seventeenth, Twenty seventh and Thirty eighth Years of the Reign of King *Edward* the Third, and in the Fifth and Seventeenth Years of the Reign of King *Richard* the Second, and in the Second Year of the Reign of King *Henry* the Fourth, and in the Second Year of the Reign of King *Henry* the Sixth, and in the Fourth Year of the Reign of King *Henry* the Seventh, and in the Sixth and Seventh, and Seventh and Eighth Years of the Reign of King *William* the Third, as relate to the Exportation of Gold or Silver in Money, Bullion, Plate, Vessel, Mass or Jewel of Gold or Silver, or Molten Silver or Bullion, and all which are repealed by an Act made in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, made, among other Things, to permit the Exportation of Gold and Silver; — and also, An Act made in the Fifth Year of the Reign of Queen *Elizabeth*, intituled *An Act avoiding divers Foreign Wares made by Handicraftsmen beyond the Seas*; — and also, So much of an Act made in the Twelfth Year of the Reign of King *Charles* the Second, for a Subsidy, as prohibits the shipping, carrying out and transporting Gunpowder, when the Price of the same doth exceed Five Pounds *per* Barrel, and which last mentioned Act of Queen *Elizabeth*, and the said recited Part of the said Act of King *Charles* the Second, were repealed by an Act made in the Fifty ninth Year of the Reign of His said late Majesty King *George* the Third, made to repeal, among others, several Acts prohibiting the Importation of certain Wrought Goods, and the Exportation of Gunpowder; — and the said several Statutes and Acts, and Parts of Statutes and Acts, so repealed by the said several Acts made for repealing the same, shall accordingly be and remain, and are hereby declared to be repealed, except only so far as they repeal any former Act or Acts; and all which Act or Acts so repealed, shall be and remain so repealed, to all Intents and Purposes whatsoever.

5 H. 8. c. 3.
27 H. 8. c. 13.
33 H. 8. c. 19.
Woollen Manufacture, repealed by 50 G. 3. c. 83.

3 E. 4. c. 4.
1 R. 3. c. 12.
Import of Wrought Goods, repealed by 56 G. 3. c. 36.

17 E. 3. c. 1.
27 E. 3. st. 2. c. 14.
38 E. 3. st. 1. c. 2.
5 R. 2. st. 1. c. 2.
17 R. 2. c. 1.
2 H. 4. c. 5.
2 H. 6. c. 6.
4 & 5 H. 7. c. 23.
6 & 7 W. 3. c. 17.
7 & 8 W. 3. c. 19.
Exporting Gold and Silver, repealed by 59 G. 3. c. 49. § 11, 12.

5 El. c. 7.
Wrought Goods.

12 Car. 2. c. 4. § 11.

Gunpowder, repealed by 59 G. c. 73.

CAP.

CAP. XLII.

An Act to repeal certain Acts, and Parts of Acts, relating to the Importation of Goods and Merchandize.

[24th *June* 1822.]

'WHEREAS an Act was passed in the Parliament of *England*, in the Twelfth Year of the Reign of His Majesty King *Charles* the Second, for the encouraging and increasing of Shipping and Navigation: And Whereas by an Act passed in the Parliament of *Ireland*, in the Twenty seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the further Increase and Encouragement of Shipping and Navigation*, it was enacted, that the said recited Act passed in *England*, in the Twelfth Year of the Reign of King *Charles* the Second, and every Provision therein contained, (so far as the same are not altered or repealed by the said Act of the Parliament of *Ireland*) should be of full force and effect within *Ireland*: And Whereas divers Acts have been from time to time passed for the further Regulation of Shipping, Navigation and Commerce; and it is expedient that certain of the Provisions contained in the said several Acts relating to the Countries from whence, and the Ships in which Goods and Merchandize shall be imported into any Part of the United Kingdom of *Great Britain* and *Ireland*, should be repealed, in order that other Regulations relating to such Importation may be declared, consolidated and comprised in One Act passed for that Purpose: May it therefore please Your Majesty that it may be enacted;' And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, so much of the said recited Act, passed in the Twelfth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for the encouraging and increasing of Shipping and Navigation*, shall be repealed, whereby it is enacted, that no Goods or Commodities whatsoever, of the Growth, Production or Manufacture of *Asia*, *Africa* or *America*, be imported into *England*, *Ireland* or *Wales*, the Islands of *Guernsey* or *Jersey*, or Town of *Berwick-upon-Tweed*, in any other Ship or Ships, Vessel or Vessels whatsoever, but in such as do truly and without Fraud belong only to the People of *England* or *Ireland*, Dominion of *Wales* or Town of *Berwick-upon-Tweed*, or of the Lands, Islands, Plantations or Territories in *Asia*, *Africa* or *America*, to His Majesty belonging, and whereof the Master and Three fourths of the Mariners at least are *English*, under the Penalty in the said Act mentioned; and so much and such Parts of the said recited Act is hereby repealed accordingly.

12 C. 2. c. 18. 27 G. 3. c. 23. (I.) amended by Acts which it is expedient to repeal, &c.

12 C. 2. c. 18. § 3. as to Importation of Goods of Asia, Africa, or America, in British Ships only.

Repealed.

II. And be it further enacted, That from and after the passing of this Act so much of the said recited Act of the Twelfth Year of the Reign of King *Charles* the Second, for the encouraging and increasing of Shipping and Navigation, shall be repealed, whereby it is enacted, that no Goods or Commodities that are of Foreign Growth, Production or Manufacture, and which are to be brought into *England*, *Ireland*, *Wales*, the Islands of *Guernsey* and *Jersey*,

§ 4. of the same Act, as to the Importation of Goods of Asia, &c. directly from the Place of their Growth.

or Town of *Berwick-upon-Tweed*, in *English* built Shipping, or other Shipping belonging to some of the aforesaid Places, and navigated by *English* Mariners, shall be shipped or brought from any other Place or Places, Country or Countries, but only from those of the said Growth, Production or Manufacture, or from those Ports where the said Goods and Commodities can only be or are or usually have been first shipped for Transportation, and from none other Places or Countries, under the Penalty in the said Act mentioned; and so much and such Part of the said recited Act is hereby repealed accordingly.

Repealed.

12 Car. 2. c. 18. § 8. of the same Act, as to the Importation of Goods of Russia, and certain enumerated European Goods, and Turkish Goods in British Ships, or Ships of the Country of their Growth.

III. And be it further enacted, That from and after the passing of this Act so much of the said recited Act of the Twelfth Year of the Reign of King *Charles* the Second, for the encouraging and increasing of Shipping and Navigation, shall be repealed, whereby it is enacted, that no Goods or Commodities of the Growth, Production or Manufacture of *Muscovy*, or of any of the Countries, Dominions or Territories to the Great Duke or Emperor of *Muscovy* or *Russia* belonging, as also that no Sort of Masts, Timber or Boards, no Foreign Salt, Pitch, Tar, Rosin, Hemp or Flax, Raisins, Figs, Prunes, Olive Oils, no Sorts of Corn or Grain, Sugar, Pot-Ashes, Wines, Vinegar or Spirits called *Aqua Vitæ*, or Brandy-Wine, shall be imported into *England*, *Ireland*, *Wales* or Town of *Berwick-upon-Tweed*, in any Ship or Ships, Vessel or Vessels whatsoever, but in such as do truly and without Fraud belong to the People thereof, or some of them, as the true Owners or Proprietors thereof, and whereof the Master and Three fourths of the Mariners at least are *English*; and that no Currants nor Commodities of the Growth, Production or Manufacture of any of the Countries, Islands, Dominions or Territories to the *Ottoman* or *Turkish* Empire belonging, shall be imported into any of the aforementioned Places, in any Ship or Vessel but which is of *English* built, and navigated as aforesaid, and no other, except only such Foreign Ships and Vessels as are of the Built of that Country or Place of which the said Goods are the Growth, Production or Manufacture respectively, or of such Port where the said Goods can only be or most usually are first shipped for transportation, and whereof the Master and Three fourths of the Mariners at least are of the said Country or Place, under the Penalty in the said Act mentioned; and so much and such Part of the said recited Act is hereby repealed accordingly.

Repealed.

12 Car. 2. c. 18. § 12. 14. of the same Act, as relates to Goods, of the Streights, Spain, and Portugal.

IV. And be it further enacted, That from and after the passing of this Act so much and such Parts of the said recited Act of the Twelfth Year of the Reign of King *Charles* the Second, for the encouraging and increasing of Shipping and Navigation, shall be repealed, as relate to the Importation of any of the Commodities of the *Streights* or *Levant Seas*, or to the Importation of all Sorts of Goods or Commodities of the Growth, Production or Manufacture of the Plantations or Dominions of *Spain* or *Portugal* respectively, from any of the Ports of *Spain* or *Portugal*, or *Western Islands*, commonly called *Azores*, or *Madeira* or *Canary Islands*; and so much and such Parts of the said Act is and are hereby repealed accordingly.

Repealed.

27 G. 3. c. 23. (I.) extending

V. And be it further enacted, That from and after the passing of this Act, so much of the hereinbefore recited Act, passed in the

the Parliament of *Ireland* in the Twenty seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the further Increase and Encouragement of Shipping and Navigation*, whereby it is enacted, that the said Act passed in the Parliament of *England* in the Twelfth Year of the Reign of King *Charles* the Second, for the encouraging and increasing of Shipping and Navigation, shall be of full Force and Effect in *Ireland*, shall be repealed, so far as relates to so much and such Parts of the said Act of the Twelfth Year of the Reign of King *Charles* the Second, as is and are hereinbefore recited and repealed; and that so much and such Parts of the said recited Act of the Twelfth Year of the Reign of King *Charles* the Second, as is or are repealed by this Act, shall cease to be in force in *Ireland* after the passing of this Act: any thing in the said recited Act of the Parliament of *Ireland* of the Twenty seventh Year of His late Majesty's Reign, to the contrary in any wise notwithstanding.

12 Car. 2. c. 18. to Ireland, repealed, so far as relates to matters repealed by this Act, and 12 Car. 2. c. 18. as repealed by this Act, to cease in Ireland.

VI. And be it further enacted, That from and after the passing of this Act, so much of an Act passed in the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, intituled *An Act for preventing Frauds and regulating Abuses in His Majesty's Customs*, shall be repealed, whereby it is enacted and declared, that no Sort of Wines (other than *Rhenish*,) no Sort of Spicery, Grocery, Tobacco, Pot-ashes, Pitch, Tar, Salt, Rosin, Deal Boards, Fir Timber or Olive Oil, shall be imported from the *Netherlands* or *Germany*, upon any Pretence whatsoever, in any Sort of Ships or Vessels whatsoever, upon Penalty of the Loss of all the said Goods, as also of the Ships and Furniture; and so much of the said recited Act is hereby repealed accordingly.

13 & 14 Car. 2. c. 11. § 23. prohibiting the Importation of certain Articles from the Netherlands or Germany.

Repealed.

VII. And be it further enacted, That from and after the passing of this Act, so much of the said recited Act of the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, shall be repealed, whereby it is enacted, that no Foreign built Ship shall enjoy the Privilege of a Ship belonging to *England* or *Ireland*, although owned or manned by *English* (except such Ships only as shall be taken at Sea by Letters of Mart or Reprisal, and Condemnation made in the Court of Admiralty as lawful Prize), but that all such Ships shall be deemed as Alien Ships; and so much of the said recited Act is hereby repealed accordingly.

13 & 14 Car. 2. c. 11. § 6. so far as relates to Privileges of Foreign built Ships owned by Englishmen.

Repealed.

VIII. And be it further enacted, That from and after the passing of this Act, so much of an Act passed in the First Year of the Reign of Queen *Anne*, intituled *An Act for granting an Aid to Her Majesty by divers Subsidies, and a Land Tax*, shall be repealed, whereby it is enacted, that it shall and may be lawful to import, from *Hamburgh*, Wines of the Growth of *Hungary*, and the same is hereby repealed accordingly.

1 Anne, st. 1. c. 12. § 112. as to Importation of Hungary Wines.

Repealed.

IX. And be it further enacted, That from and after the passing of this Act, an Act passed in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act for the Importation of Cochineal from any Port in* Spain, *during the present War, and Six Months longer*; and which, by an Act passed in the Twelfth Year of the Reign of the said Queen *Anne* (*a*), was made perpetual, shall be and the same is hereby repealed; any thing in the said recited Act of the said Twelfth Year to the contrary notwithstanding.

6 Anne, c. 33. as to Cochineal,

Repealed.

(*a*) 12 Ann. st. 1. c. 18. § 3.

6 G. 1. c. 14. as to Importation of Raw Silk and Mohair Yarn.

X. And be it further enacted, That from and after the passing of this Act, an Act made in the Sixth Year of the Reign of King *George* the First, intituled *An Act for prohibiting the Importation of Raw Silk and Mohair Yarn, of the Product or Manufacture of* Asia, *from any Ports or Places in the* Streights *or* Levant Seas, *except such Ports and Places as are within the Dominions of the Grand Seignior*, shall be and the same is hereby repealed.

Repealed.

6 G. 1. c. 15. as to Deals and Fir Timber.

XI. And be it further enacted, That from and after the passing of this Act, an Act passed in the Sixth Year of the Reign of King *George* the First, intituled *An Act to repeal so much of the Act, intituled 'An Act for preventing Frauds and regulating Abuses in 'His Majesty's Customs,' passed in the Thirteenth and Fourteenth Years of King* Charles *the Second, as relates to the prohibiting the Importation of Deal Boards and Fir Timber from* Germany, shall be and the same is hereby repealed.

Repealed.

13 G. 1. c. 25. and 7 G. 2. c. 18. for free Importation of Cochineal.

XII. And be it further enacted, That from and after the passing of this Act, an Act passed in the Thirteenth Year of the Reign of King *George* the First, intituled *An Act for the free Importation of Cochineal, during the Time therein limited;* and also an Act, passed in the Seventh Year of the Reign of King *George* the Second, for the Revival of the said last mentioned Act of the Thirteenth Year of the Reign of King *George* the First, and also for the free Importation of Indigo; and which said last recited Act was, by an Act passed in the last Session of Parliament (*b*), revived and continued until the Twenty fifth Day of *March* One thousand eight hundred and twenty four, shall be repealed; and the said recited Acts of the Thirteenth Year of King *George* the First, and of the Seventh Year of the Reign of King *George* the Second, are hereby repealed accordingly, and shall cease and determine; any thing in the said recited Act passed in the last Session of Parliament to the contrary in any wise notwithstanding.

Repealed.

6 G. 2. c. 7. for the free Importation of Jewels.

XIII. And be it further enacted, That from and after the passing of this Act, an Act passed in the Sixth Year of the Reign of King *George* the Second, intituled *An Act for the free Importation and Exportation of Diamonds, Pearls, Rubies, Emeralds and all other Jewels and precious Stones*, shall be and the same is hereby repealed.

Repealed.

14 G. 2. c. 36. 23 G. 2. c. 34. regulating Importation of Persian Goods through Russia.

XIV. And be it further enacted, That from and after the passing of this Act, an Act passed in the Fourteenth Year of the Reign of King *George* the Second, intituled *An Act for opening a Trade to and from* Persia *through* Russia; and also an Act made in the Twenty third Year of the Reign of the said King *George* the Second, intituled *An Act for permitting Raw Silk, of the Growth or Produce of* Persia, *purchased in* Russia, *to be imported into this Kingdom from any Port or Place belonging to the Empire of* Russia, shall be and the said several Acts are hereby repealed.

Repealed.

25 G. 2. c. 32. § 1. as to Importation of Gum Senega.

XV. And be it further enacted, That from and after the passing of this Act so much and such Part of an Act, passed in the Twenty fifth Year of the Reign of King *George* the Second, for the Purpose, among other things, of allowing the Importation of Gum Senega from any Part of *Europe*, shall be repealed, whereby it is enacted, that it shall be lawful for any of His Majesty's Subjects to import Gum Senega in *British* built Ships, navigated according

(*b*) 1 & 2 G. 4. c. 14.

to

to Law, from any Port or Place in *Europe*; and so much and such Part of the said Act is hereby repealed accordingly. Repealed.

XVI. And be it further enacted, That from and after the passing of this Act, so much and such Part of an Act, passed in the Sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing certain Duties in the* British *Colonies and Plantations, granted by several Acts of Parliament, and also the Duties imposed by an Act, made in the last Session of Parliament, upon certain* East India *Goods exported from* Great Britain, *and for granting other Duties instead thereof; and for further encouraging, regulating and securing several Branches of the Trade of this Kingdom and the* British *Dominions in* America, shall be repealed, whereby it is enacted, that it shall and may be lawful to and for any Person or Persons to import and bring into *Great Britain*, in *British* built Ships or Vessels navigated according to Law, from any Port or Place whatsoever, any Sort of Cotton Wool; and so much and such Part of the said recited Act is hereby repealed accordingly. 6 G. 3. c. 52. § 20. as to Importation of Cotton Wool, from any Place, in British Ships. Repealed.

XVII. And be it further enacted, That from and after the passing of this Act, so much and such Parts of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Third, for amending and enforcing certain Acts for the more effectual preventing the fraudulent Importation and wearing of Cambrics and *French* Lawns, shall be repealed, whereby it is enacted, that no Cambric or *French* Lawn shall be allowed to be imported into the Port of *London* from any Parts beyond the Seas except in *British* Ships navigated according to Law; and so much and such Parts of the said recited Act is and are hereby repealed accordingly. 7 G. 3. c. 43. § 2. as to importing Cambrics in British Ships only. Repealed.

XVIII. And be it further enacted, That from and after the passing of this Act, an Act passed in the Fifteenth Year of the Reign of His late Majesty King *George* the Third (*a*), intituled *An Act to permit the free Importation of Raw Goat Skins into this Kingdom for a limited Time*, and which, by an Act passed in the Thirty first Year of the Reign of His late Majesty King *George* the Third, was made perpetual, shall be and the same is hereby repealed; any thing in the said recited Act of the said Thirty first Year of His late Majesty's Reign to the contrary in any wise notwithstanding. 15 G. 3. c. 35. Repealed.

XIX. And be it further enacted, That from and after the passing of this Act, so much of an Act made in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, among other things, for explaining so much of the said hereinbefore recited Act of the Twelfth Year of the Reign of King *Charles* the Second, for the encouraging and increasing of Shipping and Navigation as relates to the Importation of Goods and Commodities of the Growth or Production of *Africa*, *Asia* or *America*, manufactured in Foreign Parts, shall be repealed; whereby it is enacted, that the said Act of the Twelfth Year of the Reign of King *Charles* the Second shall not extend or be construed to extend to permit any Goods or Commodities whatever of the Growth or Production of *Africa*, *Asia* or *America*, which shall be in any Degree manufactured in Foreign Parts, to be imported into *Great Britain*, except and unless the same shall be so manufactured in the Country or Place of which the Goods and Commodities are the Growth and 19 G. 3. c. 48. § 1. as to Importation of manufactured Goods of Asia, &c.

(*a*) 31 G. 3. c. 43.

Production, or in the Place where such Goods and Commodities can only be or are first shipped for Transportation; and so much and such Part of the said Act of the Nineteenth Year of His said late Majesty King *George* the Third is hereby repealed accordingly.

Repealed.

19 G. 3. c. 48. § 2. permitting Importation of Oil of Cinnamon, &c.

XX. And be it further enacted, That from and after the passing of this Act, so much of the said last recited Act of the Nineteenth Year of His said late Majesty's Reign, shall be repealed, whereby or by Construction whereof the Importation of Oil of Cloves, Oil of Cinnamon, Oil of Mace and Oil of Nutmegs, into *Great Britain*, is permitted; and so much of the said Act is hereby repealed accordingly.

Repealed.

22 G. 3. c. 78. as to Import of Drugs, Wines, Timber, &c.

XXI. And be it further enacted, That from and after the passing of this Act, an Act passed in the Twenty second Year of the Reign of His Late Majesty King *George* the Third, intituled *An Act to permit Drugs the Product of* Hungary *or* Germany, *to be imported from the* Austrian Netherlands, *or any Part of* Germany, *upon Payment of the Single Duty; to allow the Importation of* Hungary *or* German *Wines, and organzined thrown Silk, from the* Austrian Netherlands, *or any Part of* Germany, *into* Great Britain; *and of Timber and other Goods from any Part of* Europe, *in Ships the Property of Subjects under the same Sovereign as the Country of which the Goods are the Growth, Produce or Manufacture*, shall be and the same is hereby repealed, except only so far as relates to organzined thrown Silk.

except as to Thrown Silk.

Repealed.

27 G. 3. c. 19. § 10. as to Importation of enumerated European Goods in British Ships or Ships of the Country.

XXII. And be it further enacted, That from and after the passing of this Act, so much of an Act passed in the Twenty seventh Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to enforce and render more effectual several Acts passed in the Twelfth Year of the Reign of King* Charles *the Second, and other Acts made for the Increase and Encouragement of Shipping and Navigation*, shall be repealed; whereby it is enacted, that any of the Goods or Commodities enumerated or described in the said Act of the Twelfth Year of the Reign of King *Charles* the Second, for encouraging and increasing of Shipping and Navigation, being the Growth, Production or Manufacture of *Europe* may be imported under the Conditions, Rules, Regulations and Restrictions contained in the said Act of the Twelfth Year of the Reign of King *Charles* the Second, and also in certain other Acts recited in the said Act of the Twenty seventh Year of the Reign of His said late Majesty King *George* the Third, either in Ships and Vessels which, before the First Day of *May* One thousand seven hundred and eighty six, did truly and without Fraud wholly belong to His Majesty's Dominions, or which are of the Built of His Majesty's Dominions, and registered respectively according to Law, or in Ships or Vessels the Built of any Countries or Places in *Europe*, belonging to or under the Dominion of the Sovereign or State in *Europe* of which the said Goods or Commodities so enumerated or described as aforesaid are the Growth, Production or Manufacture respectively, or of such Ports where the said Commodities can only be or are most usually first shipped for Transportation, such Ships or Vessels being navigated with a Master and Three fourths of the Mariners at the least belonging to such Countries or Places or Ports respectively, and in none other Ships or Vessels whatever; and so much and such Parts of the said recited

Act

Act of the said Twenty-seventh Year of His said late Majesty's Reign is and are hereby repealed accordingly. Repealed.

XXIII. And be it further enacted, That from and after the passing of this Act, so much of the said last recited Act of the Twenty seventh Year of His said late Majesty's Reign, shall be repealed, whereby it is enacted, that it shall and may be lawful for any Person or Persons whatever to import or bring from *Gibraltar*, in any Ship or Vessel which, before the First Day of *May* One thousand seven hundred and eighty six, did truly, without Fraud, wholly belong to His Majesty's Dominions, or are of the Built of His Majesty's Dominions, navigated and registered according to Law, any Goods, Wares or Merchandize, being of the Growth or Production of the Dominions of the Emperor of *Morocco*, and which shall have been imported into *Gibraltar* directly from any Part of the said Dominions not lying or being to the Southward of the Port of *Mogadore*, in Ships or Vessels belonging to or of the Built of His Majesty's Dominions, as before described; navigated and registered according to Law, or in Ships or Vessels belonging to the Subjects of the said Emperor of *Morocco*; and so much and such Part of the said recited Act of the Twenty seventh Year of His said late Majesty's Reign is hereby repealed accordingly. 27 G. 3. c. 19. § 11. as to Importation from Gibraltar of Goods imported there from Morocco. Repealed.

XXIV. And be it further enacted, That from and after the passing of this Act, so much of an Act passed in the Thirtieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to explain and amend an Act made in the last Session of Parliament, intituled 'An Act for repealing the Duties on 'Tobacco and Snuff, and for granting new Duties in lieu thereof,'* shall be repealed, whereby it is enacted, that no Tobacco (except Tobacco of the Growth, Production or Manufacture of the Plantations of *Spain* and *Portugal*, and also except Snuff) shall be imported or brought from Foreign Parts, either wholly or in part manufactured, or in any State or Degree of Manufacture, on Pain of the Forfeitures in the said Act mentioned; and so much and such Part of the said Act is hereby repealed accordingly. 30 G. 3. c. 40. § 40. as to Importation of manufactured Tobacco. Repealed.

XXV. And be it further enacted, That from and after the passing of this Act, so much of an Act passed in the Thirty fifth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for allowing the Importation of Rape Seed or other Seeds used for extracting Oil, from any Country whatsoever, whenever the Price of* British *Middling Rape Seed shall be above a certain Limit*, shall be repealed, whereby it is enacted or provided, That Rape Seed and all other Seeds commonly made use of for the Purpose of extracting Oil therefrom, shall be imported in a *British* built Ship, owned and navigated according to Law: Provided always, that nothing herein contained shall extend to allow the Importation of any Rape Seed or other such Seed, in any Ship whatsoever, whenever the Prices of Middling *British* Rape Seed shall be below the Price of Twenty Pounds *per* Last. 35 G. 3. c. 117. as provides that Rape Seed shall be imported in British built Ships. Repealed.

XXVI. And be it further enacted, That from and after the passing of this Act, so much and such Part of an Act passed in the Thirty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for allowing the Importation of Arrow Root from the* British *Plantations, and also of Linseed Cakes and* 36 G. 3. c. 113. § 2. as provides that Linseed Cakes shall be imported in British Ships.

Rape Cakes from any Foreign Country, in British *built Ships, owned, navigated and registered according to Law, without Payment of Duty*, shall be repealed, whereby it is enacted or provided, that Linseed Cake or Rape Cakes shall be imported from any Foreign Country whatever, in any *British* Ship or Vessel owned, navigated and registered according to Law; and so much and such Part of the said Act is hereby repealed accordingly.

Repealed.

5 G. 3. c. 30. § 1, 2. as to importing East India Goods for Export to Africa.

XXVII. And be it further enacted, That from and after the passing of this Act, so much of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, made, among other things, for more effectually supplying the Export Trade of this Kingdom to *Africa* with such coarse printed Calicoes and other Goods of the Product or Manufacture of the *East Indies*, or other Places beyond the *Cape of Good Hope*, as are prohibited to be worn and used in *Great Britain*, under or by virtue of which the Commissioners of His Majesty's Treasury are authorized to allow, by Licence, certain Goods in the said recited Act mentioned to be imported into *Great Britain*, for the Purpose of Exportation to *Africa*, under the Conditions and Regulations therein stated, shall be, and the same is hereby repealed.

Repealed.

Importation of Spices, 8 Ann. c. 7. § 13.

XXVIII. And be it further enacted, That from and after the passing of this Act, every Clause, Provision and Regulation, with respect to Licences granted by the Commissioners of Customs for the Importation of Nutmegs, Mace, Cloves and Cinnamon, contained in an Act made in the Eighth Year of the Reign of Her Majesty Queen *Anne*, among other things, for granting to Her Majesty new Duties of Excise, and upon several imported Commodities; or in an Act, passed in the Sixth Year of the Reign of His Majesty King *George* the First, intituled *An Act for preventing Frauds and Abuses in the Public Revenues of Excise, Customs, Stamp Duties, Post Office and House Money;* or in an Act made in the Eighth Year of the Reign of His said Majesty King *George* the First, among other things, for preventing clandestine Running of Goods, and the Danger of Infection thereby, shall be and the same is hereby repealed.

6 G. 1. c. 21. § 45, 46.

8 G. 1. c. 18. § 21.

Repealed.

43 G. 3. c. 68. § 29. providing that Russian or Turkish Tobacco shall be imported in British built Ships.

XXIX. And be it further enacted, That from and after passing of this Act, so much and such Part of an Act passed in the Forty third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to repeal the Duties of Customs payable in* Great Britain, *and to grant other Duties in lieu thereof* shall be repealed, whereby it is enacted or provided, that Tobacco of the Growth or Production of any of the Territories or Dominions belonging to the Emperor of *Russia*, or of any of the Territories or Dominions belonging to the *Ottoman* or *Turkish* Empire, shall be imported directly from the aforesaid Territories or Dominions respectively, in *British* built Ships, owned, navigated and registered according to Law; and so much and such Part of the said Act is hereby repealed accordingly.

Repealed.

55 G. 3. c. 29. § 10, 11. and 57 G. 3. c. 4. requiring Goods of the Levant, or Raw Silk, or

XXX. And be it further enacted, That from and after the passing of this Act, so much and such Parts of Two Acts, the One passed in the Fifty fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Trade between* Malta *and its Dependencies, and His Majesty's Colonies and Plantations in* America, *and also between* Malta *and the United Kingdom:*

dom; and the other passed in the Fifty seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to extend the Privileges of the Trade of* Malta *to the Port of* Gibraltar, shall be repealed, whereby it is enacted or provided, That Goods, Wares or Merchandize, being of the Growth, Produce and Manufacture of any Country or Place within the *Streights* or *Levant Seas*, or any Raw Silk or Mohair Yarn, being the Growth or Production of any Place within the Dominions of the Grand Seignior, within the *Levant Seas*, shall be imported from the Island of *Malta* or the Dependencies thereof, or from the Port of *Gibraltar*, in *British* built Ships, owned, registered and navigated according to Law, and in no other Ship or Vessel whatever; and so much and such Parts of the said recited Acts is and are hereby repealed accordingly.

Mohair Yarn to be imported in British built Ships only.

Repealed.

XXXI. And be it further enacted, That from and after the passing of this Act, an Act passed in the Fifty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to permit the Importation of Prunes the Produce of* Germany, shall be and the same is hereby repealed.

56 G. 3. c. 37. as to German Prunes.

Repealed.

XXXII. And be it further enacted, That from and after the passing of this Act, so much and such Parts of an Act passed in the Fifty ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to allow the Importation of Tobacco from the* East Indies *and other Places, and for confining the Exportation of Tobacco from* Great Britain, *and the Importation thereof into* Ireland, *to Vessels of Seventy Tons Burthen and upwards*, shall be repealed, whereby it is enacted that it shall be lawful for any Person or Persons to import unmanufactured Tobacco from any Place whatever, being the Place of its Growth, in any *British* Ship or Vessel, owned, registered and navigated according to Law, or in any Ship or Vessel of the built of the Country or Place of which such Tobacco is the Growth, and whereof the Master and Three fourths of the Mariners at least are of the said Country or Place, or in Vessels which shall have been lawfully condemned as Prize in such Country or Place, and which shall be navigated as aforesaid; and so much and such Parts of the said recited Act is and are hereby repealed accordingly.

59 G. 3. c. 74. § 2. as to Importation of Tobacco from Place of its Growth, in British Ships, or Ships of the Country.

Repealed.

XXXIII. Provided always, and be it enacted, That nothing in this Act contained, shall extend or be construed to extend to repeal or alter, or in any way affect any Forfeiture, Fine, Pain, Penalty or Punishment, which may have taken place or been incurred for any Offence against any of the Acts hereby repealed, at any Time before the passing of this Act, and for or in respect of which any Action, Suit, Indictment, Information or other Proceeding may have been brought, had, found, commenced or prosecuted at any Time before the passing of this Act, any Thing in this present Act contained to the contrary in any wise notwithstanding.

Proviso for Penalties already incurred under recited Acts.

CAP.

CAP. XLIII.

An Act for the Encouragement of Navigation and Commerce, by regulating the Importation of Goods and Merchandize, so far as relates to the Countries or Places from whence, and the Ships in which such Importation shall be made.

[24th *June* 1822.]

12 Car. 2. c. 18. 27 G. 3. c. 23. (I.)

'WHEREAS an Act was passed in the Twelfth Year of the 'Reign of His Majesty King *Charles* the Second, for the 'encouraging and increasing of Shipping and Navigation, on which 'the Strength and Safety of this Kingdom do greatly depend; 'And Whereas by an Act passed in the Parliament of *Ireland*, 'in the Twenty seventh Year of the Reign of His late Majesty King '*George* the Third, intituled *An Act for the further Increase and 'Encouragement of Shipping and Navigation*, it was enacted, that 'the said recited Act passed in *England*, in the Twelfth Year of the 'Reign of King *Charles* the Second, and every Provision therein 'contained, (so far as the same are not altered or repealed by the 'said Act of Parliament of *Ireland*), should be of full Force and 'Effect within *Ireland*: And Whereas divers Acts have been from 'time to time passed for the further Regulation of Shipping, Navi-'gation and Commerce; and it is expedient that such of the Pro-'visions contained in the said several Acts as relate to the Coun-'tries or Places from whence, and the Ships in which Goods and 'Merchandize shall be imported into the United Kingdom of '*Great Britain* and *Ireland*, should be revised and amended, and 'together with other Regulations, be declared and provided, so 'that the Law by which such Importation is to be regulated, may 'be simplified and rendered more certain, as well as more effec-'tual, in promoting the Objects of the said several Acts, and in 'facilitating and extending the Commerce of the Realm:' May it therefore please Your Majesty, that, for the establishing by Law the several Rules and Provisions under which the Importation of Goods and Merchandize into *Great Britain* shall be regulated, so far as relates to the Countries or Places from whence, and the Ships in which, such Importations shall be made, it may be enacted: And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, Goods and Merchandize, being of the Growth, Production or Manufacture of *Asia*, *Africa* or *America*, shall be imported into the United Kingdom of *Great Britain* and *Ireland*, from any Place whatever, in *British* built Ships or Vessels only, or in Ships or Vessels which by Law are or may be entitled to the Privileges of *British* built Ships, registered and navigated according to Law, and not in any Ship or Vessel of any other Country or Place whatever, under Penalty of the Forfeiture of all such Goods and Merchandize, the Growth, Production or Manufacture of *Asia*, *Africa* or *America*, as shall be imported from any Place whatever, in any Ship or Vessel not being a *British* built Ship or Vessel, or not being entitled to the Privileges of a *British* built Ship or Vessel,

Goods of Asia, Africa, or America to be imported into U.K. in British built Ships only except as otherwise specially provided.

sel, registered and navigated according to Law; except only in Cases hereinafter specially excepted or provided for.

Such Goods imported from Europe for Exportation only.

II. Provided always, and be it enacted, That all Goods and Merchandize, the Growth, Production or Manufacture of *Asia*, *Africa* or *America*, which shall be imported into the United Kingdom from any Port or Place in *Europe*, shall be so imported for Exportation only, except in Cases where it is by this Act otherwise specially provided.

Exception.

Goods of Spanish America or West Indies, may be imported direct from Place of Growth in Ships of the Country.

III. Provided also, and be it enacted, That from and after the passing of this Act, any Goods or Merchandize being of the Growth, Production or Manufacture of any Country or Place in *America* or the *West Indies*, being or having been a Part of the Dominions of the King of *Spain*, and which Goods or Merchandize may at any time be lawfully imported into the United Kingdom in *British* built Ships, may be imported into the United Kingdom directly from the Place of their Growth, Production or Manufacture, or from those Ports in such Country or Place where such Goods or Merchandize can only be or have usually been first shipped for Transportation, in Ships or Vessels of the Built of the Country or Place of which such Goods or Merchandize may be the Growth, Production or Manufacture; or in Ships or Vessels of the Built of the Port in such Country or Place where such Goods or Merchandize can only be or have usually been first shipped for Transportation; and all which Ships or Vessels shall be wholly owned by the People of such Country, Place or Port, and navigated by the Master and Three fourths of the Mariners of such Country, Place or Port.

In what cases such Goods may be imported in Spanish Ships.

IV. Provided always, and be it enacted, That if it shall happen that any such Country or Place in *America* or the *West Indies* shall, before or at the Time of the Importation from thence into the United Kingdom of any Goods or Merchandize, be under the Dominion of the King of *Spain*, or if any Doubt shall exist thereon, then and in any such case the Goods and Merchandize of the Growth, Production or Manufacture of such Country or Place in *America* or the *West Indies*, may be imported directly from thence into the United Kingdom in Ships or Vessels of the Built of any Country or Place within the Dominion of the King of *Spain*, and wholly owned by the People of such Country or Place, and navigated by a Master and Three fourths of the Mariners thereof of such Country or Place.

No Importation in Foreign Ships from America, &c. where British Ships not admitted.

V. Provided also, and be it enacted, That nothing contained in this Act shall extend, or be construed to extend, to admit the Importation into the United Kingdom of any such Goods or Merchandize in any Foreign Ship or Vessel from any such Country, Port or Place in *America* or the *West Indies*, except only from such Country, Port or Place where *British* Ships or Vessels shall be entitled to Privileges equal to those by this Act granted to the Ships and Vessels of such Country, Port or Place.

Certain enumerated European Goods to be imported in British Ships, or in Ships of the Country or Port of Ex-

VI. And be it further enacted, That from and after the passing of this Act, the several Sorts of Goods and Merchandize hereinafter particularly enumerated, mentioned and described, being of the Growth or Production of any Place in *Europe*, that is to say, Masts, Timber, Boards, Salt, Pitch, Tar, Tallow, Rosin, Hemp, Flax, Currants, Raisins, Figs, Prunes, Olive Oil, Corn or Grain, Potashes,

port in Europe only.

Potashes, Wine, Sugar, Vinegar, Brandy or Tobacco, shall be imported into the United Kingdom, either in *British* built Ships or Vessels, or in Ships or Vessels which by Law are or may be entitled to the Privileges of *British* built Ships or Vessels, registered and navigated according to Law, or in Ships or Vessels of the Built of and belonging to the Country or Place in *Europe*, of which such Goods and Merchandize are the Growth, Produce or Manufacture respectively, or in Ships or Vessels of the Built of and belonging to any Port or Place in *Europe* into which such Goods and Merchandize shall have been brought or imported, and in which the same shall have been landed; and all which Foreign Ships shall be wholly owned by the People of such Country, Port or Place, and shall be navigated by a Master and Three fourths at least of the Mariners thereof of such Country, Port or Place,

Penalty.

and not in any other Ship or Vessel whatsoever, under Penalty of the Forfeiture of all such Goods or Merchandize as shall be imported from any Place in *Europe*, in any Ship or Vessel not being such *British* built Ship or Vessel, or not being a Ship or Vessel entitled to the Privileges of a *British* built Ship or Vessel as aforesaid, or not being a Ship or Vessel of such Country, Port or Place in *Europe* as aforesaid, and navigated as aforesaid, and also of the

Penalty.

Forfeiture of a Sum not exceeding One hundred Pounds by the Master or Person having the Charge or Command of such Ship or Vessel; except only in Cases hereinafter specially excepted or provided for.

Other Goods of Europe may be imported as heretofore.

VII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prohibit the Importation of any Goods or Merchandize, the Growth, Production or Manufacture of any Part of *Europe*, and not hereinbefore expressly specified, enumerated or described, in any Ship or Vessel whatsoever, and from any Place whatsoever, as such Goods or Merchandize might have been imported into *Great Britain* at any Time before the passing of this Act.

Goods of Grand Seignior's Dominions may be imported in British or Turkish Vessels for Home Consumption.

VIII. Provided also, and be it enacted, That from and after the passing of this Act, Goods or Merchandize the Growth, Production or Manufacture of any Places within the Dominions of the Grand Seignior, may be imported into the United Kingdom in *British* built Ships or Vessels, registered and navigated according to Law, or in Ships or Vessels of the Built of any Country or Place within the Dominions of the Grand Seignior, wholly owned by the People of such Country or Place, and navigated by a Master and Three fourths at least of the Mariners thereof of such Country or Place; and that such Goods and Merchandize may be imported for Consumption in the United Kingdom; any thing hereinbefore contained to the contrary in any wise notwithstanding.

Raw Silk and Mohair Yarn, of Asia, &c.

IX. Provided also, and be it enacted, That from and after the passing of this Act, Raw Silk and Mohair Yarn, of the Growth, Production or Manufacture of *Asia*, exported to the United Kingdom of *Great Britain* and *Ireland*, from any Port or Places in the Streights or *Levant* Seas, within the Dominions of the Grand Seignior; and also Raw Silk or Mohair Yarn, being the Growth, Production or Manufacture of any Place within the Dominions of the Grand Seignior within the *Levant* Seas, exported to the United Kingdom of *Great Britain* and *Ireland*, from the Island of *Malta*

Raw Silk, &c. from Malta or Gibraltar.

or the Dependencies thereof, or from the Port of *Gibraltar*; and also all Goods and Merchandize the Growth, Production or Manufacture of the Dominions of the Emperor of *Morocco*, and which shall have been imported into *Gibraltar* directly from any Part of the Dominions of the said Emperor, not lying or being to the Southward of the Port of *Mogadore*, in *British* built Ships or Vessels, navigated and registered according to Law, or in Ships or Vessels belonging to the Subjects of the said Emperor of *Morocco*, and which shall be exported from *Gibraltar* to the United Kingdom of *Great Britain* and *Ireland*; and also all Diamonds, Pearls, Rubies, Emeralds and all other Jewels and Precious Stones, from any Place whatever, may be imported into the United Kingdom in *British* built Ships or Vessels, registered and navigated according to Law, for Consumption in the United Kingdom; any thing in this Act contained to the contrary thereof in any wise notwithstanding; and that all such Diamonds shall pass inwards without Warrant or Fee.

All Goods of Morocco imported into Gibraltar.

Jewels, &c. may be imported for Home Consumption in British Ships.

Diamonds to pass without Warrant or Fee.

X. And be it declared and enacted, That the Island of *Malta* and its Dependencies shall, for all Purposes whatever, be deemed and taken to be in *Europe*.

Malta deemed to be in Europe.

XI. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, and they are hereby authorized and empowered, by Warrant under their Hands, or the Hands of any Three or more of them, to order and direct that any *British* Ship or Vessel, which at any time before the First Day of *May* One thousand seven hundred and eighty six was duly registered as a *British* Ship, shall have and be entitled to all the Privileges and Advantages belonging to a *British* built Ship, and shall and may be registered as a *British* built Ship; provided it shall in all cases be made appear to the Satisfaction of the said Commissioners of the Treasury, or any Three or more of them, that every such Ship or Vessel for which such Privilege shall be claimed, was actually and identically registered as a *British* Ship before the said First Day of *May* One thousand seven hundred and eighty six, and that no Foreigner had at any time, while such Ship or Vessel was so registered, any Share, Property or Concern in such Ship or Vessel, and that such Ship or Vessel has not been repaired in any Foreign Port at any Expence beyond what is allowed by Law, and that such Ship or Vessel is in every other respect entitled to the Privilege of a *British* Ship; and in such case, every such Ship or Vessel, from and after the Date of the Registry made of such Ship or Vessel as a *British* built Ship, by virtue of such Warrant, shall be deemed and taken to be a *British* built Ship, and shall be entitled to all the Privileges and Advantages to which a *British* built Ship is by Law entitled, and as if such Ship or Vessel had been originally *British* built, to all Intents and Purposes whatsoever.

Ships registered as British Ships before 1st May 1786, may, on Warrant of Treasury, be registered and privileged as British built Ships.

XII. And be it further enacted, That from and after the passing of this Act, any *British* built Ship or Vessel which shall have been or shall be registered as such, and which after being so registered shall have been or shall be sold to or become wholly the Property of any Person or Persons, not being a Subject or Subjects of His Majesty, His Heirs or Successors, shall to all Intents and Purposes be deemed and taken to be a Ship or Vessel of the Built of the Foreign

British built Ships sold to Foreigners shall be deemed Foreign Ships, of the Country of the Purchasers, if in Europe;

Foreign Country, Port or Place, if in *Europe*, of which the Person or Persons to whom such Ship or Vessel shall be sold shall be a Subject or Subjects, or to which such Person or Persons shall belong; and it shall and may be lawful to import in any such Ship or Vessel any Goods or Merchandize from any such Foreign Country, Port or Place in *Europe*, in like manner as if such Ship or Vessel were of the Built of such Foreign Country, Port or Place in *Europe*; any Law, Usage or Custom to the contrary notwithstanding: Provided always, that in case any such *British* built Ship or Vessel, having once become the Property of any Person or Persons not being a *British* Subject or Subjects, shall again become the Property of any *British* Subject or Subjects, otherwise than by Capture and legal Condemnation, such Ship or Vessel shall not, on any Pretence whatsoever, be again deemed, taken, or considered to be a *British* built Ship or Vessel, nor entitled to be registered as such, nor to any other Privileges or Advantages as a *British* built Ship or Vessel, but shall be subject and liable to all the Penalties and Forfeitures to which Foreign Ships or Vessels are or may be subject or liable by Law.

but shall not become British Ships again, except by Capture.

Proviso for 12 Car. 2. c. 18. § 15.

XIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal such Part of the hereinbefore recited Act, passed in the Twelfth Year of the Reign of King *Charles* the Second, for the increasing of Shipping and Navigation, as relates to Bullion, or to Goods taken by way of Reprisal.

Not to affect Intercourse between Great Britain and Ireland.

39 & 40 G. 3. c. 67.
40 G. 3. (I.)

XIV. Provided also, and be it declared and enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter, or in way to affect or infringe any of the Provisions contained in Two Acts for the Union of *Great Britain* and *Ireland*, the one made in the Parliament of *Great Britain* in the Thirty ninth and Fortieth Years of the Reign of His said late Majesty King *George* the Third, and the other made in the Parliament of *Ireland* in the Fortieth Year of the Reign of His said late Majesty, or in any other Act or Acts in force immediately before the passing of this Act, by which the Importation of Goods or Merchandize into *Great Britain* from *Ireland*, or into *Ireland* from *Great Britain*, is in any way permitted, allowed, restrained, prohibited or regulated in any manner whatever; but that all Goods and Merchandize shall and may be imported into *Great Britain* from *Ireland*, and into *Ireland* from *Great Britain*, from and after the passing of this Act, in such manner and under and subject to such Regulations in all respects, as are contained in the said Acts for the Union of *Great Britain* and *Ireland*, or in any other Act or Acts in force immediately before the passing of this Act, until Provision shall be otherwise made by Parliament with respect to the same; any thing in this Act contained to the contrary in any wise notwithstanding.

Proviso for Importation of Goods, the Produce of the British Colonies in America or the West Indies.

XV. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter or repeal, or in any way to affect or infringe any Act or Acts, or any Provisions contained in any Act or Acts, in force immediately before the passing of this Act, relating to the Importation of any Goods and Merchandize whatsoever from any *British* Colony, Plantation, Territory or Dominion in *America* or the *West Indies*; and that all

all Goods and Merchandize the Growth, Produce or Manufacture of any such *British* Colony, Plantation, Territory or Dominion, and all Goods and Merchandize whatsoever which may by Law be imported from any such *British* Colony, Plantation, Territory or Dominion, shall and may be imported, and shall continue to be imported, in such manner, and under all such Rules and Regulations, Restrictions, Penalties and Forfeitures, in all respects, as are contained in any Act or Acts in force in relation to such Goods and Merchandize immediately before the passing of this Act; any thing in this Act contained to the contrary in any wise notwithstanding.

Act not to extend to Guernsey, Jersey, Sark, Alderney or Man.

XVI. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter or repeal any Act or Acts, or any Provisions contained in any Act or Acts in force immediately before the passing of this Act, which in any way relate to the Trade or Commerce of the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney* or *Man*, or to the Trade between *Great Britain* or *Ireland* and those Islands respectively; but that the Trade and Commerce of the said Islands respectively shall continue to be carried on and regulated in all respects as if this Act had not been made.

Proviso for American Trade Acts, 49 G. 3. c. 59. 59 G. 3. c. 54.; † *Sic.*

XVII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend in any way to alter or repeal an Act passed in the Forty ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to permit the Trade between* Great Britain *and the United States of* America *to be carried on in Ships or Vessels belonging to the Inhabitants of the said States*, or in † an Act made in the Fifty ninth Year of His said late Majesty's Reign, among other Things, for carrying into effect a Convention of Commerce concluded between His Majesty and the United States of *America*, by virtue of which, Goods, Wares or Merchandize of the Growth, Produce and Manufacture of any of the said United States, may be imported directly from any of the Territories of the said United States, in Ships or Vessels belonging to the Inhabitants of the said States, or in such other Ships and Vessels as are described in the said recited Acts: Provided nevertheless, that nothing in the said recited Acts of the Forty ninth and Fifty ninth Years of His late Majesty's Reign shall extend or be construed to extend to the restraining or preventing the Importation into *Great Britain* of Goods or Merchandize being of the Growth, Production or Manufacture of any Part of the United States of *America*, in *British* built Ships or Vessels registered and navigated according to Law, in like manner and under such Rules and Regulations as Goods or Merchandize of the Growth, Production or Manufacture of any other Part of *America* may by Law be so imported.

but the said Acts not to restrain Importation from United States in British Ships.

Proviso for Portuguese Trade Acts, 51 G. 3. c. 47. 59 G. 3. c. 54.; † *Sic.*

XVIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter or repeal an Act passed in the Fifty first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for carrying into effect the Provisions of a Treaty of Amity, Commerce and Navigation, concluded between His Majesty and His Royal Highness the Prince Regent of* Portugal; or in † an Act made in the Fifty ninth Year of the Reign of His said late Majesty, among other Things

Things, for carrying into effect a Treaty with the Prince Regent of *Portugal*, by virtue of which, any Goods, Wares and Merchandize, being the Growth, Production or Manufacture of any of the Territories or Dominions of the Crown of *Portugal*, which are not prohibited by Law to be imported from other Foreign Countries, and also Elephants' Teeth and Ivory, may be imported direct from any such Territories or Dominions, in Ships or Vessels the Built of any of the said Territories or Dominions of the Crown of *Portugal*, or in such other Ships or Vessels as are described in the said Acts: Provided nevertheless, that nothing in the said recited Acts of the Fifty first and Fifty ninth Years of His late Majesty's Reign, shall be construed to restrain or prevent the Importation of Goods or Merchandize, being of the Growth, Production or Manufacture of any of the Territories or Dominions belonging to the Crown of *Portugal*, in *British* built Ships or Vessels registered and navigated according to Law, and in like manner and under such Rules and Regulations as Goods and Merchandize of the Growth, Production or Manufacture of any Part of *Asia*, *Africa* or *America*, may by virtue of this present Act be so imported.

the said Acts not to affect Importation from Portuguese Dominions in British Ships.

XIX. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter, or in any way to affect the Rights and Privileges of the United Company of Merchants of *England* trading to the *East Indies*, as granted to or vested in the said Company by Charter, or by any Act or Acts of Parliament; nor to repeal or alter, or in any way to affect or infringe the Provisions contained in an Act made in the Fifty third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing in the* East India *Company, for a further Term, the Possession of the* British *Territories in* India, *together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter;* or in an Act made in the Fifty seventh Year of His said late Majesty's Reign, intituled *An Act to regulate the Trade to and from the Places within the Limits of the Charter of the* East India *Company, and certain Possessions of His Majesty in the* Mediterranean; or in any other Act or Acts in force immediately before the passing of this Act, relating to the Trade or Commerce with any of the Countries, Territories or Places situate within the Limits of the Charter granted to the said United Company of Merchants of *England* trading to the *East Indies*, or to the Trade and Commerce to be carried on by the said *East India* Company, or by any *British* Subjects, to and from the said Countries, Territories or Places, under the Provisions and Regulations of the said recited Acts, or of any other Act or Acts; but that the Trade and Commerce with all the said Countries, Territories or Places respectively, shall continue to be carried on in such manner, and under and subject to such Regulations, in all respects, as are contained in the said recited Acts respectively, or in any Act or Acts for continuing or amending the same, or any of them, or in any other Act or Acts relating to such Trade and Commerce; any thing in this Act contained to the contrary notwithstanding.

Proviso for East India Trade under 53 G. 3. c. 155. 57 G. 3. c. 36. and other Acts.

XX. Pro-

Proviso for 49 G. 3. c. 17. 57 G. 3. c. 1. for regulating Trade to Cape of Good Hope and Mauritius.

XX. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter any of the Provisions contained in an Act passed in the Forty ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize His Majesty, during the present War, to make Regulations respecting the Trade and Commerce to and from the* Cape of Good Hope; or in an Act passed in the Fifty seventh Year of His said late Majesty's Reign, for continuing and extending the Provisions of the said recited Act of the Forty ninth Year, and also for regulating the Trade of the Island of *Mauritius*, (which said recited Acts have been continued, and are now in force), whereby His Majesty is authorized, by and with the Advice of His Privy Council, to give such Directions, and to make such Regulations touching the Trade and Commerce to and from the *Cape of Good Hope*, and to and from all Islands, Colonies or Places, and the Territories and Dependencies thereof, to His Majesty belonging, or in His Possession, in *Africa* or *Asia*, to the Eastward of the *Cape of Good Hope* (excepting only the Possessions of the *East India* Company), as to His Majesty in Council shall appear most expedient and salutary.

Proviso for 18 G. 2. c. 26. § 10, 11. whereby Tea may be imported from Europe in British Ships by Licence from the Treasury. † *Sic.*

XXI. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter such Part of an Act made in the Eighteenth Year of the Reign of King *George* the Second, among other Things, for repealing the Inland Duty upon Tea sold in *Great Britain*, and granting other Duties in lieu thereof, and for better securing the Duties on Tea, or in † any other Act or Acts, whereby it is enacted or provided, that it shall and may be lawful to and for the United Company of Merchants of *England* trading to the *East Indies* and their Successors, by Licence under the Hands of the Commissioners of His Majesty's Treasury, and also to and for any other Person or Persons licensed by the said Commissioners of the Treasury, to import in *British* built Ships registered and navigated according to Law, from any Ports of *Europe*, such Quantities of Tea as shall be specified in such Licences respectively, and under and subject to such Restrictions, Limitations, Rules, Methods and Directions as are prescribed and required under or by virtue of the said Act or Acts, or any of them.

Not to affect Importation of Corn under 46 G. 3. c. 97. 55 G. 3. c. 26. and other Acts in force.

XXII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter any thing contained in an Act made in the Forty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to permit the Interchange of every Species of Grain between* Great Britain *and* Ireland; or in an Act made in the Fifty fifth Year of His said late Majesty's Reign, intituled *An Act to amend the Laws now in force for regulating the Importation of Corn;* or in any other Act or Acts in force on or before the passing of this Act, whereby the Importation of Corn, Grain, Rice, Meal, Malt, Flour, Bread or Biscuit, is permitted, prohibited or regulated.

Proviso for Regulations as to Importation in Packet Boats under 13, 14 Car. 2. c. 11. § 22.

XXIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter or repeal any of the Provisions contained in an Act, passed in the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, intituled *An Act for preventing Frauds, and regulating*

55 G. 3. c. 153. *Abuses in His Majesty's Customs;* or in an Act passed in the Fifty fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting certain Rates on the Postage of Letters to and from* Great Britain, *the* Cape of Good Hope, *the* Mauritius *and the* East Indies; *and for making certain Regulations respecting the Postage of Ship Letters, and of Letters in* Great Britain; so far as either of the said recited Acts relate to the Importation of Goods or Merchandize into *Great Britain* in any Ship, Vessel or Boat appointed and employed for the Carriage of Letters and Packets, under the several Regulations and Restrictions prescribed and directed by either of the said recited Acts.

No Importation of Fish contrary to Statutes. 15 Car. 2. c. 7. § 16.: 18 Car. 2. c. 2. § 2.: 10, 11 W. 3. c. 24. § 13, 14.: 1 G. 1. st. 2. c. 18. § 1, 2.

XXIV. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to allow the Importation of fresh Herrings, fresh Cod or Haddock, Coal Fish, Gull Fish or Grill Fish, or of any Ling, Herring, Cod or Pilchard, fresh or salted, dried or bloated, or of any Salmon, Eel or Congers, or of any Sort of Fish taken or caught by, or bought of or received from any Foreigner or Foreigners, or out of any Stranger or Strangers' Bottom, in any other manner than such Importation is permitted or restrained under and by virtue of the Regulations contained in an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for the Encouragement of Trade;* and in an Act made in the Eighteenth Year of the Reign of King *Charles* the Second, intituled *An Act against importing Cattle from* Ireland *and other Parts beyond the Seas, and Fish taken by Foreigners;* and in an Act made in the Tenth and Eleventh Years of the Reign of King *William* the Third, intituled *An Act for making* Billingsgate *a free Market for the Sale of Fish;* and in an Act made in the First Year of the Reign of King *George* the First, intituled *An Act for the better preventing fresh Fish taken by Foreigners being imported into this Kingdom, and for the Preservation of the Fry of Fish, and for the giving Leave to import Lobsters and Turbots in Foreign Bottoms, and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called* England, or in any other Act or Acts relating to the Importation of Fish into any Part of the United Kingdom.

Proviso for Importation of Lobsters and Turbots under 1 G. 1. st. 2. c. 18. § 10.

XXV. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter so much of the said last recited Act of the First Year of the Reign of King *George* the First, whereby it is enacted, that it shall and may be lawful for any Person whatsoever, as well Foreigners as *British*, freely to import, bring in and sell, in any Ship or Vessel whatsoever, any Quantity of Lobsters or Turbots, whether they be of Foreign or *British* catching.

Proviso for Orders of Council under 9 G. 3. c. 39. §. 10. for preventing Importation of infected Hides, &c.

XXVI. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter any of the Provisions contained in an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to permit the free Importation of certain Raw Hides and Skins from* Ireland *and the* British *Plantations in* America, *for a limited Time; and for taking off the Duties upon Seal Skins tanned or tawed in this Kingdom, and for granting another Duty in lieu thereof; for indemnifying all Persons with respect to advising or executing any of His Majesty's Orders in Council, prohi-*

biting the Importation of Raw Hides, Horns and Hoofs of infected Cattle, and to authorize the Prohibition of the Importation of such Hides, Horns, and Hoofs for the future; by which His Majesty is authorized from time to time, by Proclamation or Order in Council, to prohibit generally, or from any particular Country, the Importation of any Hides or Skins, Horns or Hoofs, or any other Part of any Cattle or Beast, for such time or times, and under such Regulations as His Majesty shall judge most expedient and effectual to prevent any contagious Distemper from being brought into the Kingdom.

Proviso for Importation of Naval Stores by Licence under 47 G. 3. st. 2. c. 27.

XXVII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter an Act made in the Forty seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize His Majesty to permit the Importation of Naval Stores from any Place in Ships belonging to States in Amity with His Majesty, and navigated in any manner whatever;* nor to prevent the Importation of Naval Stores under any Licence granted in pursuance of the said recited Act.

Proviso for Importation of Quercitron or Black Oak Bark under 32 G. 3. c. 49. § 1.

XXVIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter any of the Provisions contained in an Act passed in the Thirty second Year of the Reign of His late Majesty King *George* the Third, for allowing the Importation of Quercitron or Black Oak Bark, when the Price of Oak Bark shall be under the Prices mentioned in an Act of the Twelfth Year of His said Majesty's Reign, for encouraging the Manufacture of Leather.

Proviso for Duties payable to Turkey or Russia Company.

XXIX. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter, repeal or in any way affect the Payment of any Duties payable by Law to the several Companies of Merchants of *England*, commonly called or known by the Name of the *Levant* Company, or the *Turkey* Company, and the *Russia* Company; but that all such Duties shall continue and remain payable in like manner as before the passing of this Act.

Proviso for Duties of Package, &c. to the Corporation of London, &c.

XXX. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or in anywise alter the Duties of Package, Scavage, Bailage or Portage, or any other Duties payable to the Mayor and Commonalty of the Citizens of the City of *London*, or to the Lord Mayor of the said City for the time being, or to any other City or Town Corporate in the United Kingdom of *Great Britain* and *Ireland*, or any other special Privilege or Exemption to which any Person or Persons, or Body or Bodies Politic or Corporate, within the said United Kingdom, is or are now entitled by Law, but the same shall continue as heretofore.

Goods imported under this Act liable to Duties and Regulations under existing Acts.

XXXI. And be it further enacted, That all Goods and Merchandize which shall be imported pursuant to this Act, and the Importers of such Goods and Merchandize, shall be subject and liable to the Payment of all such Duties of Customs and Excise, and also to all such Conditions, Rules, Regulations, Penalties and Forfeitures, as relate to the securing the Payment of the said Duties, and as relate to the due and regular Entry, Landing, Warehousing, Securing and Delivery of such Goods and Merchandize, and as

relate to the Burthen of the Ships or Vessels in which, and the Ports into which such Goods and Merchandize shall be imported, and the Packages in which the same shall be contained; and all such Goods and Merchandize, and the Importers thereof, shall in all other respects, not especially provided for by this Act, be subject and liable to all such Rules, Regulations, Penalties and Forfeitures as any such Goods and Merchandize, or the Importers thereof, are subject or liable to under or by virtue of any Act or Acts in force on or immediately before the passing of this Act, or as shall be in force with respect to any such Goods or Merchandize, or the Importers thereof, at the Time of the Importation thereof; any thing in this Act contained to the contrary in any wise notwithstanding.

Recovery of Forfeitures under this Act, as under 12 Car. 2. c. 18. 27 G. 3. c. 23. (I.) and other existing Acts.

XXXII. And be it further enacted, That all Penalties and Forfeitures imposed by this Act, or which shall or may be incurred for any Offence against this Act, shall and may be sued for, recovered, levied or mitigated by such Ways, Means or Methods, as any Fine, Penalty or Forfeiture against the said several Acts of the Twelfth Year of the Reign of King *Charles* the Second, and of the Twenty seventh Year of the Reign of King *George* the Third, for the encouraging and increasing of Shipping and Navigation, may be sued for, recovered, levied or mitigated under the said recited Acts respectively, or as any Fine, Penalty or Forfeiture, may be sued for, recovered, levied or mitigated by any Law or Laws relating to the Importation of Goods or Merchandize into *Great Britain* and *Ireland* respectively, or by Action of Debt, Bill, Plaint or Information in any of His Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Exchequer in *Scotland*, respectively; and that One Moiety of every such Penalty or Forfeiture shall be to His Majesty, His Heirs and Successors, and the other Moiety to him or them who shall inform, discover or sue for the same.

Act may be altered, &c. or repealed this Session.

XXXIII. And be it further enacted, That this Act may be amended, altered or repealed by any Act or Acts to be made in this present Session of Parliament.

CAP. XLIV.

An Act to regulate the Trade between His Majesty's Possessions in *America* and the *West Indies*, and other Places in *America* and the *West Indies*. [24th *June* 1822.]

See c. 119. § 5. post.

'WHEREAS divers Acts of Parliament have been from time to time passed, for regulating the Importation and Exportation of certain Articles into and from certain Territories, Islands and Ports, under the Dominion of His Majesty, in *America* and the *West Indies*; and it is expedient that the said several Acts should be repealed, and other Provisions made in lieu thereof:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, an Act passed in the Twenty eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the Trade between the Subjects of His Majesty's*

Acts regulating the Importation and Exportation of certain Articles into and from certain Colonies in America and the West Indies herein recited,

jesty's Colonies and Plantations in North America, *and in the* West India *Islands, and the Countries belonging to the United States of* America, *and between His Majesty's said Subjects and the Foreign Islands in the* West Indies; also, an Act passed in the Twenty eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to allow the Importation of Rum and other Spirits from His Majesty's Colonies or Plantations in the* West Indies, *into the Province of* Quebec, *without Payment of Duty, under certain Conditions and Restrictions;* also, an Act passed in the Twenty ninth Year of the Reign of His said late Majesty, intituled *An Act to enable His Majesty to authorize, in case of Necessity, the Importation of Bread, Flour, Indian Corn and Live Stock, from any of the Territories belonging to the United States of* America, *into the Province of* Quebec, *and all the Countries bordering on the Gulf of* Saint Lawrence, *and the Islands within the said Gulf, and to the Coast of* Labrador; also, another Act passed in the Twenty ninth Year of the Reign of His said late Majesty, intituled *An Act for explaining and amending an Act passed in the last Session of Parliament, intituled 'An Act to regulate the Trade 'between the Subjects of His Majesty's Colonies and Plantations 'in* North America, *and in the* West India *Islands, and the Coun-'tries belonging to the United States of* America, *and between His 'Majesty's said Subjects and the Foreign Islands in the* West In-'dies;' also, an Act passed in the Thirtieth Year of the Reign of His said late Majesty, intituled *An Act to amend Two Acts made in the Twenty eighth Year of the Reign of His present Majesty, the one intituled 'An Act for regulating the Trade between the 'Subjects of His Majesty's Colonies and Plantations in* North 'America, *and in the* West India *Islands, and the Countries be-'longing to the United States of* America, *and between His Ma-'jesty's said Subjects and the Foreign Islands in the* West Indies;' *and the other intituled 'An Act to allow the Importation of Rum 'or other Spirits from His Majesty's Colonies or Plantations in 'the* West Indies; *into the Province of* Quebec, *without Pay-'ment of Duty, under certain Conditions and Restrictions;'* also, an Act passed in the Thirty first Year of the Reign of His said late Majesty, intituled *An Act to amend an Act made in the Twenty eighth Year of His present Majesty's Reign, for regulating the Trade between the Subjects of His Majesty's Colonies and Plantations in* North America, *and in the* West India *Islands, and the Countries belonging to the United States of* America, *and between His Majesty's said Subjects and the Foreign Islands in the* West Indies; *and also, an Act made in the Twenty seventh Year of His present Majesty's Reign, for allowing the Importation and Exportation of certain Goods, Wares and Merchandize in the Ports of* Kingston, Savannah la Mar, Montego Bay *and* Santa Lucia, *in the Island of* Jamaica, *in the Port of* Saint George *in the Island of* Grenada, *in the Port of* Rosea *in the Island of* Dominica, *and in the Port of* Nassau *in the Island of* New Providence, *one of the* Bahama Islands, *under certain Regulations and Restrictions:* also, an Act passed in the Thirty third Year of the Reign of His said late Majesty, intituled *An Act to amend an Act passed in the Twenty seventh Year of His present Majesty's Reign, for allowing the Importation and Exportation of certain Goods, Wares and Merchandize,*

repealed; viz.
28 G.3. c.6.
28 G.3. c.39.
29 G.3. c.16.
29 G.3. c.56.
30 G.3. c.8.
31 G.3. c.38.
33 G.3. c.50.

Merchandize, in Foreign Ships, into and from certain Ports and Places in the West Indies; *and for amending so much of an Act made in the Thirty second Year of the Reign of His present Majesty, as relates to permitting the Importation of Sugar in the* Bahama *and* Bermuda Islands, *in Foreign Ships; and so much of Two Acts made in the Twenty eighth and Thirty first Years of His present Majesty's Reign, as prohibits the Importation of Timber into any Island under the Dominion of His Majesty in the* West Indies, *from any Foreign Colony or Plantation in the* West Indies *or* South America; *and so much of the said Act made in the Twenty eighth Year of His present Majesty's Reign, as prohibits the Importation of Pitch, Tar and Turpentine into* Nova Scotia *or* New Brunswick, *from any Country belonging to the United States of*

44 G.3. c.101. America; also, an Act passed in the Forty fourth Year of the Reign of His said late Majesty, intituled *An Act for permitting, until the First Day of* August *One thousand eight hundred and seven, the Exportation of Salt from the Port of* Nassau *in the Island of* New Providence, *the Port of* Exuma, *and the Port of* Crooked Island, *in the* Bahama Islands, *in Ships belonging to the Inhabitants of the United States of* America, *and coming in Ballast;*

45 G.3. c.57. also, an Act passed in the Forty fifth Year of the Reign of His said late Majesty, intituled *An Act to consolidate and extend the several Laws now in force, for allowing the Importation and Exportation of certain Goods and Merchandize into and from certain Ports in*

46 G.3. c.72. *the* West Indies; also, an Act passed in the Forty sixth Year of the Reign of His said late Majesty, intituled *An Act for enabling His Majesty to permit the Importation and Exportation of certain Goods and Commodities into and from the Port of* Road Harbour

48 G.3. c.125. *in the Island of* Tortola; also, an Act passed in the Forty eighth Year of the Reign of His said late Majesty, intituled *An Act to permit the Importation of Rice, Flour and Grain from any Foreign Colonies on the Continent of* America, *into certain Ports in the* West Indies, *and to allow certain Articles to be imported from the United States of* America *into the* British *Provinces in* North America, *for the Purpose of Exportation to the* British *Islands in*

49 G.3. c.22. *the* West Indies; also, an Act passed in the Forty ninth Year of the Reign of His said late Majesty, intituled *An Act for allowing the Importation and Exportation of certain Goods and Commodities into and from the Port of* Falmouth, *in the Island of* Jamaica;

52 G.3. c.79. also, an Act passed in the Fifty second Year of the Reign of His said late Majesty, intituled *An Act to allow* British *Plantation Sugar and Coffee, imported into* Bermuda *in* British *Ships, to be exported to the Territories of the United States of* America *in Foreign Ships or Vessels, and to permit Articles, the Production of the said United States, to be imported into the said Island in Foreign*

52 G.3. c.99. *Ships or Vessels;* also, another Act passed in the said Fifty second Year of the Reign of His said late Majesty, intituled *An Act for allowing certain Articles to be imported into the* Bahama Islands, *and exported therefrom in Foreign Vessels, and for encouraging the Exportation of Salt from the said Islands;* also, an Act passed

53 G.3. c.37. in the Fifty third Year of the Reign of His said late Majesty, intituled *An Act to amend an Act of the Twenty eighth Year of His present Majesty, for allowing the Importation of Rum or other Spirits from His Majesty's Colonies or Plantations in the* West Indies

dies *into the Province of* Quebec, *without Payment of Duty*; also, another Act passed in the Fifty third Year of the Reign of His said late Majesty, intituled *An Act for further allowing the Importation and Exportation of certain Articles at the Island of* Bermuda; also, an Act passed in the Fifty fourth Year of the Reign of His said late Majesty, intituled *An Act to revive and make perpetual certain Acts for consolidating and extending the several Laws in force, for allowing the Importation and Exportation of certain Articles into and from certain Ports in the* West Indies; also, an Act passed in the Fifty seventh Year of the Reign of His said late Majesty, intituled *An Act to extend the Powers of Two Acts, for allowing* British *Plantation Sugar and Coffee and other Articles, imported into* Bermuda *in* British *Ships to be exported to* America *in Foreign Vessels, and to permit Articles, the Produce of* America, *to be imported into the said Island in Foreign Ships, to certain other Articles*; also, another Act passed in the said Fifty seventh Year of the Reign of His said late Majesty, intituled *An Act to extend several Acts for allowing the Importation and Exportation of certain Goods and Merchandize to* Porta Maria *in the Island of* Jamaica, *and to the Port of* Bridge Town *in the Island of* Barbadoes; also, an Act passed in the Fifty eighth Year of the Reign of His said late Majesty intituled *An Act to allow, for Three Years, and until Six Weeks after the Commencement of the then next Session of Parliament, the Importation, into Ports specially appointed by His Majesty, within the Provinces of* Nova Scotia *and* New Brunswick *of the Articles therein enumerated, and the Re-exportation thereof from such Ports*; also, an Act passed in the said Fifty eighth Year of the Reign of His said late Majesty, intituled *An Act to permit the Importation of certain Articles into His Majesty's Colonies or Plantations in the* West Indies, *or on the Continent of* South America, *and also certain Articles into certain Ports in the* West Indies; also, an Act passed in the Fifty ninth Year of the Reign of His said late Majesty, intituled *An Act to make perpetual an Act of the Forty fourth Year of His present Majesty, for permitting the Exportation of Salt from the Port of* Nassau *in the Island of* New Providence, *the Port of* Exuma, *and the Port of* Crooked Island, *in the* Bahama Islands, *in* American *Ships coming in Ballast*; also, an Act passed in the Fifty ninth Year of the Reign of His said late Majesty, intituled *An Act to extend the Provisions of Three Acts of the Fifty second, Fifty third and Fifty seventh Years of His present Majesty, for allowing* British *Plantation Sugar and Coffee and other Articles, imported into* Bermuda *in* British *Ships, to be exported to* America *in Foreign Vessels, and to permit Articles, the Produce of* America, *to be imported into* Bermuda *in Foreign Ships, to certain other Articles*; also, an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to extend several Acts for allowing the Importation and Exportation of certain Goods and Merchandizes to* Morant Bay *in the Island of* Jamaica; also, Another Act passed in the First Year of His present Majesty's Reign, intituled *An Act to permit the Importation of Coffee from any Foreign Colony or Plantation in* America, *into the Port of* Bridge Town *in* Barbadoes: also, an Act passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act to make perpetual an Act of the Fifty*

53 G.3. c.50.
54 G.3. c.48.
57 G.3. c.28.
57 G.3. c.74.
58 G.3. c.19.
58 G.3. c.27.
59 G.3. c.18.
59 G.3. c.55.
1 G.4. c.12.
1 G.4. c.32.
1 & 2 G.4. c.7.

eighth Year of His late Majesty, to allow the Importation, into certain Ports in Nova Scotia *and* New Brunswick, *of certain enumerated Articles, and the Re-exportation thereof from such Ports;* shall be and the same are hereby repealed.

Proviso for Seizures, Forfeitures, and Penalties already incurred.

II. Provided also, and be it further enacted, that nothing in this Act contained shall extend or be deemed or construed to extend to release or discharge any Seizure of Goods, Wares or Merchandize, or of any Ship or Vessel, or to release or discharge any Forfeiture or Penalty incurred on or before the passing of this Act, but that the same may be prosecuted, sued for, recovered and divided, in such and the like manner as any such Seizure, Forfeiture or Penalty might have been prosecuted, sued for, recovered and divided, if this Act had not been made.

Articles in Schedule (B.) may be imported from North or South America or West Indies, under Dominion of European Sovereign, &c. into Ports in Schedule (A.) either in British Vessels or Vessels of the Country.

III. And be it further enacted, That from and after the passing of this Act, it shall be lawful to import into any of the Ports enumerated in the Schedule annexed to this Act, marked (A.), from any Foreign Country on the Continent of *North* or *South America*, or from any Foreign Island in the *West Indies*, whether such Country or Island as aforesaid shall be under the Dominion of any Foreign European Sovereign or State, or otherwise, the Articles enumerated in the Schedule annexed to this Act marked (B.), either in *British* built Ships or Vessels owned and navigated according to Law, or in any Ship or Vessel *bond fide* the Built of and owned by the Inhabitants of any Country or Place belonging to or under the Dominion of the Sovereign or State of which the said Articles are the Growth, Produce or Manufacture, such Ship or Vessel being navigated with a Master and Three fourths of the Mariners at least belonging to such Country or Place; or in any *British* built Ship or Vessel which has been sold to and become the Property of the Subjects of any such Sovereign or State, such Ship or Vessel last mentioned being also navigated with a Master and Three fourths of the Mariners at least belonging to such Country or Place: Provided always, that no Articles enumerated in the said Schedule shall be imported in any Foreign Ship or Vessel, or in any *British* built Ship or Vessel so sold as aforesaid, unless shipped and brought directly from the Country or Place of which they are the Growth, Produce or Manufacture.

Certain Articles may be exported direct from Ports in Schedule (A.) in such British or Foreign Vessels, on certain Conditions.

IV. And be it further enacted, That it shall be lawful to export in any *British* built Ship or Vessel owned and navigated according to Law, or in any Foreign Ship or Vessel as aforesaid, or in any *British* built Ship or Vessel so sold as aforesaid, from any of the Ports enumerated in the Schedule annexed to this Act, marked (A.), any Article of the Growth, Produce or Manufacture of any of His Majesty's Dominions, or any other Article legally imported into the said Ports, provided that the said Articles when exported in any such Foreign Ship or Vessel, or in any *British* built Ship or Vessel so sold as aforesaid, shall be exported direct to the Country or State in *America* or the *West Indies* to which such Ship or Vessel belongs as aforesaid, and before the Shipment thereof, Security by Bond shall be given to His Majesty, His Heirs and Successors, in a Penalty equal to Half the Value of the said Articles; such Bond to be entered into by the Master and Exporter before the Collector or other Chief Officer of the Customs of such Colony, Plantation or Island, for the due landing the

Bond by Master and Exporter for landing, &c.

the said Articles at the Port or Ports for which entered, and for producing a Certificate thereof within Twelve Months from the Date of such Bond, under the Hand and Seal of the *British* Consul or Vice Consul resident at the Port or Place where the said Articles shall have been landed; but in case there shall not be any such Consul or Vice Consul there resident, such Certificate to be under the Hand and Seal of the Chief Magistrate, or under the Hand and Seal of Two known *British* Merchants residing at such Port or Place; but such Bond may be discharged by Proof on Oath by credible Persons, that the said Articles were taken by Enemies, or perished in the Seas: Provided always, that nothing herein contained shall be construed to permit or allow the Exportation of any Arms or Naval Stores, unless a Licence shall have been obtained for that Purpose from His Majesty's Secretary of State; and in case any such Articles shall be shipped or waterborne for the Purpose of being exported contrary to this Act, the same shall be forfeited, and shall and may be seized and prosecuted as hereinafter directed.

No Exportation of Arms or Naval Stores, without Licence.

V. Provided always, and be it further enacted, That for Ten Years after the passing of this Act, nothing in this Act contained shall extend or be construed to extend to exclude from the Trade allowed by this Act, any Foreign Ship or Vessel which, previous to the passing of this Act, may have been engaged in lawful Trade with His Majesty's said Colonies, Islands or Plantations, on account of such Ship or Vessel not being of the Built of the Country to which such Ship or Vessel may belong.

Proviso for Foreign Vessels though not of the Built of Country.

VI. And be it further enacted, That in case any Doubt shall arise, whether any Goods, Wares or Merchandize intended to be exported in any Foreign Ship or Vessel, under the Authority of this Act, had been legally imported into such Port, the Legality of such Importation shall be made to appear to the Satisfaction of the Collector and Comptroller, or other Principal Officer of the Customs of such Port, before such Goods, Wares and Merchandize shall be suffered to be shipped for Exportation.

Proof of Legal Importation before Goods Exported.

VII. And be it further enacted, That from and after the passing of this Act, there shall be raised, levied, collected and paid unto His Majesty, His Heirs and Successors, upon the several Articles enumerated or described in the said Schedule marked (C.), imported or brought into any of the Ports enumerated in the Schedule marked (A.), from any such Foreign Island, State or Country under the Authority of this Act, the several Duties of Customs as the same are respectively inserted or described and set forth in Figures in the said Schedule annexed to this Act marked (C.), and the same shall be under the Management of the Commissioners of the Customs in *England*, and shall be raised, levied, collected, paid and recovered in such and the like manner and form, and by such and the like Rules, Ways, Means and Methods respectively, and under such Penalties and Forfeitures, as any other Duties now payable to His Majesty on Goods imported into any of the Islands, Plantations, Colonies or Territories belonging to or under the Dominion of His Majesty in *America* or the *West Indies*, are or may be raised, levied, collected, paid and recovered by any Act or Acts of Parliament now in force, as fully and effectually to all Intents and Purposes as if the several Clauses, Powers, Directions,

On Importation of Articles into Ports in Schedule (A.) certain Duties in Schedule (C.) to be paid for Use of Colonies.

How recovered.

Directions, Penalties and Forfeitures relating thereto, were particularly repeated and again enacted in the Body of this Act; and the Produce of such Duties shall be paid by the Collector of the Customs to the Treasurer or Receiver General of the Colony, Province or Plantation in which the same shall be respectively levied, to be applied to such Uses and Purposes as may be directed by the Authority of the respective General Courts or General Assemblies of such Colonies, Provinces or Plantations.

How Duties applied in Colonies having no General Courts or Assemblies.

VIII. And be it further enacted, That in case there shall be no General Courts or General Assemblies in the Colony, Province or Plantation in which the said Duties shall have been levied and collected under the Authority of this Act, the net Proceeds of such Duties shall then be applied and appropriated in such and the like manner, and to such Uses as any other Duties levied and collected in any of His Majesty's Colonies, Provinces or Plantations in *America* or the *West Indies*, not having General Courts or General Assemblies, may now by any Act or Acts of Parliament, passed in *Great Britain*, or the United Kingdom of *Great Britain* and *Ireland*, or by any Order of His Majesty in Council, or by any Proclamation issued in His Majesty's Name, be appropriated and applied.

How value of Articles subject to ad Valorum Duty ascertained.

IX. And be it further enacted, That in all Cases where, by the Schedule marked (C.), the Duties imposed upon the Importation of Articles into His Majesty's Colonies, Plantations or Islands in *America* or the *West Indies*, are charged not according to the Weight, Gauge or Measure, but according to the Value thereof, such Value shall be ascertained by the Declaration of the Importer or Proprietor of such Articles, or his known Agent or Factor, in manner and form following; (that is to say),

'I *A. B.* do hereby declare, That the Articles mentioned in the Entry, and contained in the Packages [*here specifying the several Packages, and describing the several Marks and Numbers, as the Case may be*], are of the Value of . Witness my Hand, the Day of . *A. B.*

'The above Declaration, signed the Day of in the Presence of *C. D.*

'Collector, or other Principal Officer.'

Which Declaration shall be written on the Warrant of Entry of such Articles, and shall be subscribed with the Hand of the Importer or Proprietor thereof, or his known Agent or Factor, in the Presence of the Collector or other Principal Officer of the Customs at the Port of Importation: Provided, that if upon View and Examination of such Articles by the proper Officer of the Customs, it shall appear to him that the said Articles are not valued according to the true Price or Value thereof, and according to the true Intent and Meaning of this Act, then and in such case the Importer or Proprietor, or his known Agent or Factor, shall be required to declare on Oath before the Collector or Chief Officer of the Customs at the Port of Importation (which Oath he is hereby authorized and required to administer), what is the invoiced Price of such Articles, and that he verily believes such Invoice Price is the Current Value of the Articles at the Place from whence the said Articles were imported; and such Invoice Price, with the

Proviso where Articles not duly valued;

what taken to be the Value

Addition

Addition of Ten Pounds *per Centum* thereon, shall be deemed and taken to be the Value of the Articles in such Colony, Plantation or Island as aforesaid, in lieu of the Value so declared by the Importer or Proprietor, or his known Agent or Factor, and upon which the Duties specified in the said Schedule shall be charged and paid: Provided also, that if it shall appear to the Collector, or other Chief Officer of the Customs, that such Articles have been invoiced below the real and true Value thereof at the Place from whence the same were imported, or if the Invoice Price is not known, the Articles shall, in such case, be examined by Two competent Persons, to be nominated and appointed by the Governor or Commander in Chief of the Colony, Plantation or Island into which the said Articles are imported; and such Persons shall declare on Oath, before the Collector or Chief Officer of the Customs, what is the true and real Value of such Articles in such Colony, Plantation or Island; and the Value so declared on the Oaths of such Persons shall be deemed to be the true and real Value of such Articles, and upon which the Duties specified in the said Schedule marked (C.) shall be charged and paid. [*The Value of Goods subject to* ad Valorem *Duty ascertained as by this Section. See Cap.* 119. § 5. *post.*]

declared by Importer.

Proviso where Value or Invoice Price not known.

What deemed the true Value.

X. And be it further enacted, That if the Importer or Proprietor of such Articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector or other Chief Officer of the Customs where such Articles shall be imported, and he is hereby respectively required to take and secure the same with the Casks or other Package thereof, and to cause the same to be publicly sold, within the Space of Twenty Days at the most after such Refusal made, and at such Time and Place as such Officer shall, by Four or more Days' Public Notice, appoint for that Purpose, which Articles shall be sold to the best Bidder; and the Money arising by the Sale thereof shall be applied, in the First Place, in Payment of the said Duties, together with the Charges that shall have been occasioned by the said Sale; and the Overplus, if any, shall be paid to such Importer or Proprietor, or any other Person authorized to receive the same.

Importer refusing to pay Duties, Articles to be sold, &c.

Application of Produce.

XI. And be it further enacted, That whenever any Foreign Article is liable to Duty by this Act on the Importation thereof into any of His Majesty's Colonies, Plantations or Islands in *America*, or the *West Indies*, under the Provisions of this Act, the like Duty shall be payable upon any such Foreign Article † when imported into any such Colonies, Plantations or Islands direct from any Part of the United Kingdom of *Great Britain* and *Ireland*; and such Duty shall be raised, levied, collected and paid, in such and the like manner, and be appropriated and applied to such and the like Uses, as the Duty payable upon the like Article imported from any other Place under the Provisions of this Act, is by this Act directed to be raised and applied.

Foreign Articles charged with Duty on Importation from Place of Growth, to pay as on Importation direct from U. K.

† *Sic.*

XII. Provided always, and be it further enacted, That if upon the Importation of any Article charged with Duty by this Act, the said Article shall also be liable to the Payment of Duty under the Authority of any Colonial Law, equal to or exceeding in Amount the Duty charged by this Act, then and in such case the Duty charged

Duties not payable if Articles liable to equal Colonial Duty.

If Colonial Duty less, Difference only paid.

charged upon such Article by this Act, shall not be demanded or paid upon the Importation of such Article: Provided also, that if the Duty payable under such Colonial Law shall be less in Amount than the Duty payable by this Act, then and in such case the Difference only in the Amount of the Duty payable by this Act, and the Duty payable under the Authority of such Colonial Law, shall be deemed to be the Duty payable by this Act; and the same shall be collected and paid in such and the like manner, and appropriated and applied to such and the like Uses, as the Duties specified in the said Schedule annexed to this Act marked (C.) are directed to be collected, paid, appropriated and applied.

Duties to be Sterling Money at a certain Rate.

XIII. And be it further enacted, That all Sums of Money granted and imposed by this Act as Duties shall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered and paid, to the Amount of the Value which such nominal Sums bear in *Great Britain;* and that such Monies may be received and taken according to the Proportion and Value of Five Shillings and Six Pence the Ounce in Silver.

Articles in Schedule (B.) may be exported to any other British Colony, or to U. K.

XIV. And be it further enacted, That any Article enumerated in the Schedule (B.) legally imported as aforesaid under the Authority of this Act shall be allowed to be exported in any *British* Ship or Vessel, owned and navigated according to Law, to any other *British* Island, Colony or Plantation in *America* or the *West Indies*, provided that upon the Importation thereof into any such other *British* Island, Colony or Plantation, Proof shall be produced that the said Duties due to His Majesty have been first paid in the Colony or Plantation into which the said Articles shall have been first imported; and any Article so imported in any Ship or Vessel as aforesaid shall be allowed to be exported to any Part of the United Kingdom of *Great Britain* and *Ireland*, under the Rules, Regulations, Restrictions, Securities, Penalties and Forfeitures particularly mentioned and provided in an Act of Parliament made in the Twelfth Year of the Reign of King *Charles* the Second, intituled *An Act for the encouraging and increasing of Shipping and Navigation;* and in another Act of Parliament, made in the Twenty second and Twenty third Years of the Reign of King *Charles* the Second, intituled *An Act to prevent the planting of Tobacco in* England, *and for regulating the Plantation Trade;* and in another Act of Parliament, made in the Twentieth Year of His late Majesty's Reign, intituled *An Act to allow the Trade between* Ireland *and the* British *Colonies in* America *and the* West Indies, *and the* British *Settlements on the Coast of* Africa, *to be carried on in like Manner as it is now carried on between* Great Britain *and the said Colonies and Settlements*, or in any of the said Acts with respect to the Goods, Wares or Merchandize therein enumerated or described.

12 Car. 2. c. 18.

22 & 23 Car. 2. c. 26.

20 G. 3. c. 10.

'XV. And Whereas it is the Intention and Meaning of this Act, 'that the Privileges hereby granted to Foreign Ships and Vessels 'shall be confined to the Ships and Vessels of such Countries only 'as give the like Privileges to *British* Ships and Vessels in their 'Ports in *America* and the *West Indies;*' Be it therefore enacted,

His Majesty may prohibit Intercourse

That it shall be lawful for His Majesty, His Heirs and Successors, by Order in Council from time to time, when and as often as the same shall be judged expedient, to prohibit Trade and Intercourse under

under the Authority of this Act, with any Country or Island in *America* or the *West Indies*, if it shall appear to His Majesty that the Privileges granted by this Act to Foreign Ships and Vessels are not allowed to *British* Ships and Vessels trading to and from any such Country or Island under the Provisions of this Act; and in case such Order of His Majesty in Council shall be issued, then during the Time that such Order in Council shall be in force, none of the Provisions of this Act, either as respects the Laws herein repealed, or to any other Provisions of this Act, shall apply or be taken to apply to any Country or State, the Trade with which, under the Provisions of this Act, shall be prohibited by any such Order of His Majesty in Council; and if any Goods whatever shall be imported from or shipped for the Purpose of being exported to any such Country or Island in *America* or the *West Indies*, in any Foreign Ship or Vessel, after Trade and Intercourse therewith shall have been prohibited by any such Order of His Majesty in Council, issued under the Authority of this Act, all such Goods, together with the Ship or Vessel in which the same shall have been imported, or in which the same shall have been shipped for the Purpose of being exported as aforesaid, shall be forfeited, with all her Guns, Furniture, Ammunition, Tackle and Apparel; and in every such case the same shall and may be seized by any Officer of His Majesty's Customs or Navy, authorized or empowered to make Seizures in cases of Forfeiture, and shall and may be prosecuted in manner as hereinafter directed.

with any Country, where it shall appear that the Privileges granted by this Act to Foreign Vessels are not allowed to British Vessels trading with such Country, &c.

Seizure made in what case.

XVI. And be it further enacted, That if His Majesty shall deem it expedient to extend the Provisions of this Act to any Port or Ports not enumerated in the Schedule marked (A.), it shall be lawful for His Majesty, by Order in Council, to extend the Provisions of this Act to such Port or Ports; and from and after the Day mentioned in such Order in Council, all the Privileges and Advantages of this Act, and all the Provisions, Penalties and Forfeitures therein contained, shall extend and be deemed and construed to extend to any such Port or Ports respectively, as fully as if the same had been inserted and enumerated in the said Schedule at the Time of passing this Act.

His Majesty may extend this Act to other Ports than those enumerated in Schedules.

XVII. And be it further enacted, That no Articles, except such as are enumerated in the Schedule marked (B.), shall be imported in any such *British* built Ship or Vessel, or in any such Foreign Ship or Vessel, or in any *British* built Ship or Vessel so sold as aforesaid, from any Foreign Country or State, on the Continent of *America*, or Island in the *West Indies*, into any of the Ports enumerated in the Schedule marked (A.), or into any Port which may be added to the Schedule marked (A.), by virtue of any Order in Council as aforesaid, on any Pretence whatever, on pain of forfeiting such Articles, together with the Ship or Vessel in which the same shall have been imported, and the Guns, Tackle, Apparel and Furniture of such Ship or Vessel; and in every such case the same shall and may be seized by any Officer or Officers of His Majesty's Customs or Navy, who are or shall be authorized and empowered to make Seizures in cases of Forfeiture, and shall and may be prosecuted in such manner as hereinafter directed.

No Articles, except such as are in Schedule (B.) to be imported.

Penalty.

XVIII. And be it further enacted, That no Articles whatever shall be imported or exported, either in a *British* built Ship or Vessel,

No Articles to be imported or exported, except

from or to Ports mentioned in Schedule (A.)

Vessel, or in any such Foreign Ship or Vessel as aforesaid, from or to any Foreign Country on the Continent of *North* or *South America*, or from or to any Foreign Island in the *West Indies*, into or from any Port of any *British* Colony, Plantation or Island in *America* or the *West Indies*, not enumerated in the Schedule annexed to this Act marked (A.) on any Pretence whatever, on Forfeiture of such Articles, as also the Ship or Vessel in which the same shall be imported, with all her Guns, Furniture, Ammunition, Tackle and Apparel.

Proviso for Right of exporting in British Ships, Produce of Fisheries.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall affect or be construed to affect the Right which *British* Subjects or others may enjoy under any Law in force at the passing of this Act, of exporting in *British* Ships from Ports not enumerated in the said Schedule marked (A.) the Produce of the Fisheries carried on from any of His Majesty's said Colonies, Plantations or Islands.

How Penalties and Forfeitures recovered.

XX. And be it further enacted, That all Penalties and Forfeitures imposed by this Act shall and may be respectively prosecuted, sued for and recovered, and divided in *Great Britain*, *Guernsey*, *Jersey* or the *Isle of Man*, or in any of His Majesty's Colonies or Islands in *America*, in the same Manner and Form, and by the same Rules and Regulations in all Respects, in so far as the same are applicable, as any other Penalties and Forfeitures imposed by any Act or Acts of Parliament made for the Security of the Revenue of the Customs, or for the Regulation or Improvement thereof, or for the Regulation of Trade or Navigation, and which were in force immediately before the passing of this Act, may be respectively prosecuted, sued for, recovered and divided in *Great Britain*, *Guernsey*, *Jersey* or the *Isle of Man*, or in any of His Majesty's Colonies or Islands in *America*.

SCHEDULES to which this Act refers.

SCHEDULE (A).

LIST OF FREE PORTS.

Kingston, Savannah Le Mar, Montego Bay, Santa Lucia, Antonio Saint Ann, Falmouth, Maria, Morant Bay	JAMAICA.
Saint George -	GRENADA.
Roseau - -	DOMINICA.
Saint John's -	ANTIGUA.
San Josef -	TRINIDAD.
Scarborough -	TOBAGO.
Road Harbour -	TORTOLA.
Nassau - -	NEW PROVIDENCE.
Pitt's Town -	CROOKED ISLAND.
Kingston - -	SAINT VINCENT.
Port St. George & Port Hamilton	BERMUDA.
Any Port where there is a Custom House	BAHAMAS.
Bridgetown -	BARBADOES.
St. John's, St. Andrew's	NEW BRUNSWICK.
Halifax - -	NOVA SCOTIA.
Quebec - -	CANADA.
St. John's -	NEWFOUNDLAND.
George Town -	DEMARARA.
New Amsterdam	BERBICE.
Castries - -	ST. LUCIA.
Basseterre -	ST. KITTS.
Charles Town -	NEVIS.
Plymouth - -	MONTSERRAT.

SCHEDULE (B.)

Asses.	Fruit and Vegetables.	Indigo.	Staves.
Barley.	Fustick, and all Sorts of Wood for Dyers' Use.	Live Stock of any Sort,	Skins.
Beans.	Flour.	Lumber.	Shingles.
Biscuit.	Grain of any Sort.	Logwood.	Sheep.
Bread.	Garden Seeds.	Mahogany, and other Wood for Cabinet Wares.	Tar.
Beaver, and all Sorts of Fur.	Hay.	Masts.	Tallow.
Bowsprits.	Hemp.	Mules.	Tobacco.
Calavances.	Heading Boards.	Neat Cattle.	Turpentine.
Cocoa.	Horses.	Oats.	Timber.
Cattle.	Hogs.	Peas.	Tortoise-shell.
Cochineal.	Hides.	Potatoes.	Wool.
Coin and Bullion.	Hoops.	Poultry.	Wheat.
Cotton Wool.	Hardwood or Mill Timber	Pitch.	Yards.
Drugs of all Sorts.	Indian Corn Meal.	Rye.	
Diamonds and Precious Stones.		Rice.	
Flax.			

SCHEDULE (C.)

A SCHEDULE of Duties payable on Articles imported into His Majesty's Possessions in America and the West Indies, from other Places in America and the West Indies, the Duties following; (that is to say),

	£. Sterling.	s.	d.
Barrel of Wheat Flour, not weighing more than 196 lbs. net Weight	0	5	0
Barrel of Biscuit, not weighing more than 196 lbs. net Weight -	0	2	6
For every Cwt. of Biscuit - - - -	0	1	6
For every 100 lbs. of Bread, made from Wheat or other Grain, imported in Bags or Packages - - - -	0	2	6
For every Barrel of Flour, not weighing more than 196 lbs. made from Rye, Peas or Beans - - - - -	0	2	6
For every Bushel of Peas, Beans, Rye or Calavances - -	0	0	7
Rice, for every 100 lbs. net Weight - - - -	0	2	6
For every 1,000 Shingles, called Boston Chips, not more than 12 Inches in Length - - - - -	0	7	0
For every 1,000 Shingles, being more than 12 Inches in Length	0	14	0
For every 1,000 Red Oak Staves - - - -	1	1	0
For every 1,000 White Oak Staves or Headings - -	0	15	0
For every 1,000 Feet of White or Yellow Pine Lumber, of One Inch Thick - - - - - - -	1	1	0
For every 1,000 Feet of Pitch Pine Lumber - - -	1	1	0
Other Kinds of Wood and Lumber, per 1,000 Feet - -	1	8	0
For every 1,000 Wood Hoops - - - - -	0	5	3
Horses, for every 100*l.* of the Value thereof - - -	10	0	0
Neat Cattle, for every 100*l.* of the Value thereof - -	10	0	0
All other Live Stock, for every 100*l.* of the Value thereof -	10	0	0

CAP. XLV.

An Act to regulate the Trade between His Majesty's Possessions in *America* and the *West Indies*, and other Parts of the World. [24th *June* 1822.]

'WHEREAS it is expedient to allow greater Freedom of Trade 'and Intercourse between the Colonies, Plantations and 'Islands belonging to His Majesty in *America* and in the *West* 'Indies, and other Parts of the World; and to repeal certain Acts 'now in force relating to the Trade and Intercourse hitherto al- 'lowed to be carried on between His Majesty's Colonies, Plant- 'ations, Islands and Places in *Europe* South of *Cape Finisterre*, 'and to make further Provision for encouraging and extending the 'same:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Twenty fifth Year of the Reign of King *Charles* the Second, intituled *An Act for the Encouragement of the* Greenland *and* Eastland *Trades, and for the better securing the Plantation Trade*, as imposes a Duty upon the Exportation of Sugar, Tobacco, Cotton Wool, Indigo, Ginger, Logwood, Fustic, Dying Wood and Cocoa Nuts, from any of His Majesty's Plantations in *America*, *Asia* or *Africa*; also an Act passed in the Fifty first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Trade between Places in* Europe *South of* Cape Finisterre, *and certain Ports in the* British *Colonies in* North America; also an Act passed in the Fifty second Year of the Reign of His said late Majesty, intituled *An Act to permit Sugar, Coffee and Cocoa, to be exported from His Majesty's Colonies and Plantations to any Port in* Europe *to the South of* Cape Finisterre, *and Corn to be imported from any such Port, and from the Coast of* Africa *into the said Colonies and Plantations, under Licences granted by the Collectors and Comptrollers of the Customs*; also, so much of an Act passed in the Fifty fifth Year of the Reign of His said late Majesty, intituled *An Act to regulate the Trade between* Malta *and its Dependencies and His Majesty's Colonies and Plantations in* America, *and also between* Malta *and the United Kingdom*, as relates to the Trade allowed to be carried on between the Island of *Malta* and the Dependencies thereof, and His Majesty's Colonies and Plantations in *America*; also, an Act passed in the Fifty seventh Year of the Reign of His said late Majesty intituled *An Act to extend the Privileges of the Trade of* Malta *to the Port of* Gibraltar; also another Act passed in the Fifty seventh Year of the Reign of His said late Majesty, intituled *An Act to allow the Importation of Oranges and Lemons from the* Azores *and the* Madeiras *into the* British *Colonies in* North America, shall be and the same are hereby repealed, save and except as to the Recovery of any Forfeiture or Penalty incurred on or before the passing of this Act: Provided nevertheless, that all Acts expressly repealed by any of the said Acts shall be deemed and taken to be and shall remain repealed.

Acts and Parts of Acts regulating Trade and Intercourse between the British Colonies and Europe repealed; viz.
25 C. 2. c. 7. § 2.
51 G. 3. c. 97.
52 G. 3. c. 98.
55 G. 3. c. 29.
57 G. 3. c. 4.
57 G. 3. c. 89.

Repealed except so far as they repeal former Acts.

Certain Articles may be exported

II. And be it further enacted, That it shall be lawful to export from any of His Majesty's said Colonies, Plantations and Islands, in

in any *British* built Ship or Vessel, owned and navigated according to Law, any Articles, the Growth, Produce or Manufacture of any such Colony, Plantation or Island, and any Articles which have been legally imported into any such Colony, Plantation or Island, direct to any Foreign Port in *Europe*, or in *Africa*, or to *Gibraltar*, the Island of *Malta*, or the Dependencies thereof, or the Islands of *Guernsey*, *Jersey*, *Alderney* or *Sark*: any thing contained in an Act made in *England*, in the Twelfth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for the encouraging and increasing of Shipping and Navigation*, or of any other Act or Acts in force in the United Kingdom, or in *Great Britain* or *Ireland* respectively, to the contrary notwithstanding.

from the British Colonies direct, to certain Ports of Europe in British Ships:

III. And be it further enacted, That before any such Articles shall be laden or put on Board any Ship or Vessel in the said Colonies, Plantations or Islands, the Exporter shall make a regular Entry thereof with the Collector and Comptroller of His Majesty's Customs, on which Entry shall be indorsed the Marks and Numbers of the Packages, with the proper Denomination of the Goods contained therein, and also the Place, Quay or Wharf where the Goods are intended to be laden; provided that no Goods shall be laden at any Place, Quay or Wharf which shall not be situate within the Limits of a Port where a Custom House is established, and at which Place, Quay or Wharf an Officer shall be appointed to attend the lading and shipping of such Goods, or at such Place or Places as shall be mentioned in a Sufferance or Warrant to be taken out from the Collector and Comptroller of the Customs for that purpose: Provided always, that nothing in this Act contained shall extend or be construed to extend to alter the existing Regulations for lading and shipping the Produce of the Fisheries of the said Colonies, Plantations or Islands.

To be entered and shipped in Presence of the Officers, and at Ports only where Custom Houses established. Exception.

Proviso for Regulations as to Fisheries.

IV. And be it further enacted, That if upon Examination of any Goods allowed to be exported from any of the said Colonies, Plantations or Islands, under the Authority of this Act, either before or after the Shipment, it shall be found that the Weight or Quantity thereof, or the Number of the Casks or Packages, shall be greater than shall have been endorsed upon the Entry, or if any Articles are laden and put on Board any Ship or Vessel, for the Purpose of being exported to any Part of *Europe* or in *Africa* as aforesaid, without Entry thereof being made with the proper Officer of the Customs, or shall be brought to any Place, Quay or Wharf, or put into any Hoy, Boat or other Vessel for the Purpose of being shipped on Board any such Ship or Vessel for Exportation to such Foreign Port of *Europe* or in *Africa* previous to such Entry being made, or if any Goods shall be put on Board or attempted to be put on Board any Ship or Vessel intending to proceed to any such Port of *Europe* or *Africa* in any manner contrary to the Directions of this Act, all such Goods in every such case shall be forfeited, together with the Hoy, Boat or other Vessel or Carriage whatever employed in shipping or attempting to ship such Goods, and also the Ship or Vessel in which the same shall be laden; and all such Goods, Vessels, Boats and Carriages may be seized by any Officer or Officers of the Customs, and the Owner thereof shall forfeit Double the Value of such Goods.

Goods not agreeing with or Shipped without Entry Penalty.

Ships clearing out from Colonies not to take on Board other Articles than allowed to be exported by this Act.

V. And be it further enacted, that in case any Ship or Vessel clearing out from the said Colonies, Plantations or Islands under the Authority of this Act, shall take on Board, in any of the said Colonies, Plantations or Islands, any other Articles than such as are allowed to be on Board and exported by virtue of this Act, all such Articles so taken or laden on Board such Ship or Vessel shall be forfeited and lost, and shall and may be seized by the Commander or Commanders of any of His Majesty's Ships or Vessels of War, or any Commissioned, Warrant or Petty Officer specially authorized by him or them, or by any Officer or Officers of the Customs; and the Master and Shipper of any such Goods shall severally forfeit Double the Value of the Goods so laden or taken on Board contrary to the Directions of this Act.

Before Shipment of Fish, Oath made that it is Produce of British Fisheries.

VI. And be it further enacted, That the Person exporting Fish from any *British* Colony or Plantation in *North America*, to any Port or Place as aforesaid, under the Authority of this Act, shall make Oath at the Port of Shipment, before the Chief Officer of the Customs at such Port, or if there be no such Chief Officer of the Customs, then before a Magistrate, or if there be no Magistrate, then before Two respectable Persons being at such Port or Ports (which Oath such Officer of the Customs or Magistrate, or such respectable Persons as aforesaid, are hereby authorized to administer) that the said Fish is the Produce of the *British* Fisheries, really and *bonâ fide* taken and cured by His Majesty's Subjects carrying on the said Fisheries from some of the *British* Colonies or Plantations in *North America*.

Upon Shipment of pickled or dry Fish from Canada, Oath made of its being Produce of British Fisheries.

VII. And be it further enacted, That before the Shipment of any pickled Fish or Dry Fish, for the Purpose of Exportation from *Canada* to any Port or Place as aforesaid, under the Authority of this Act, the Person in whose Possession the same shall have continued from the time of its being landed from the *British* Fishing Vessel employed in the taking it, until the same shall be so shipped for Exportation, shall make Oath before the Chief Officers of the Customs at *Quebec* (who is hereby authorized to administer such Oath), that the same is the Produce of the *British American* Fisheries, really and *bonâ fide* taken and cured by His Majesty's Subjects carrying on the said Fisheries from some of the said Colonies or Plantations.

Articles in Schedule (A.) may be exported from certain Places in Europe, or in Africa, to Colonies, &c. in British Ships.

VIII. And be it further enacted, That it shall be lawful to export in any *British* Ship or Vessel, owned and navigated according to Law, from any Foreign Port in *Europe* or in *Africa*, or from *Gibraltar*, the Island of *Malta* or the Dependencies thereof, or the Islands of *Guernsey*, *Jersey*, *Alderney* or *Sark*, to any of His Majesty's Colonies, Plantations or Islands in *America* or the *West Indies*, the Articles enumerated or described in the Schedule hereunto annexed, marked A.; any thing contained in an Act made in *England* in the Fifteenth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for the Encouragement of Trade*, or any other Act or Acts in force in the United Kingdom, or in *Great Britain* or *Ireland* respectively, to the contrary notwithstanding.

Duties to be paid on Articles

IX. And be it further enacted, That from and after the passing of this Act there shall be raised, levied, collected and paid unto His

His Majesty, His Heirs and Successors, upon the Importation of the several Articles enumerated or described in the Schedule hereunto annexed marked B., into any of His Majesty's Colonies, Plantations or Islands in *America* or the *West Indies*, under the Authority of this Act, from any Port or Place in *Europe* or *Africa* as aforesaid, the several Duties of Customs, as the same are respectively inserted or described and set forth in Figures in the said Schedule marked B.; and the same shall be raised, levied, collected, paid and received under the Management of the Commissioners of the Customs in *England*, in such and the like manner and form, and by such and the like Rules, Ways, Means and Methods respectively, and under such Penalties and Forfeitures, as any other Duties now payable to his Majesty on Goods imported into any of the Islands, Plantations, Colonies or Territories belonging to or under the Dominion of His Majesty in *America* or the *West Indies* are or may be raised, levied, collected, paid and recovered by any Act or Acts of Parliament now in force, as fully and effectually, to all Intents and Purposes, as if the several Clauses, Powers, Directions, Penalties and Forfeitures relating thereto were particularly repeated and again enacted in the Body of this Act; and the Produce of such Duties shall be paid by the Collector of the Customs to the Treasurer or Receiver General of the Colony, Province or Plantation in which the same shall be respectively levied, to be applied to such Uses and Purposes as may be directed by the Authority of the respective General Courts or General Assemblies of such Colonies, Provinces or Plantations.

in Schedule (B.) upon Importation into Colonies, &c.

X. And be it further enacted, That in case there shall be no General Courts or General Assemblies in the Colonies, Province or Plantation, in which the said Duties shall have been levied under the Authority of this Act, the Net Proceeds of such Duties shall be applied and appropriated in such and the like manner and to such Uses as any other Duties levied and collected in any of His Majesty's Colonies, Provinces or Plantations in *America* or the *West Indies*, not having General Courts or General Assemblies, may now, by any Act or Acts of Parliament passed in *Great Britain* or the United Kingdom of *Great Britain* and *Ireland*, or by any Order of His Majesty in Council, or by any Proclamation issued in His Majesty's Name, be appropriated and applied.

Appropriation of Net Proceeds of Duties in Colonies where there are no General Courts or Assemblies.

XI. And be it further enacted, That in all Cases where, by the Schedule marked B. the Duties imposed upon the Importation of Articles into His Majesty's Colonies, Plantations or Islands in *America* or the *West Indies*, are charged, not according to the Weight, Gauge, Tale or Measure, but according to the Value thereof, such Value shall be ascertained by the Declaration of the Importer or Proprietor of such Articles, or his known Agent or Factor, in manner and form following; that is to say,

How Value of Articles subject to ad valorem Duties ascertained.

'I *A. B.* do hereby declare, That the Articles mentioned in the 'Entry and contained in the Packages [*here specifying the 'several Packages, and describing the several Marks and Numbers, 'as the case may be*], are of the Value of . Wit- 'ness my Hand the Day of . *A. B.*

'The above Declaration, signed the Day of 'in the Presence of *C. D.*

'Collector or other Principal Officer.'

Form of Declaration.

Which Declaration shall be written on the Warrant of Entry of such Articles, and shall be subscribed with the Hand of the Importer or Proprietor thereof, or his known Agent or Factor, in the Presence of the Collector or other Principal Officer of the Customs at the Port of Importation: Provided, that if upon View and Examination of such Articles by the proper Officer of the Customs, it shall appear to him that the said Articles are not valued according to the Price and Value thereof, and according to the true Intent and Meaning of this Act, then and in such case the Importer or Proprietor, or his known Agent or Factor, shall be required to declare on Oath before the Collector or Chief Officer of the Customs at the Port of Importation (which Oath he is hereby authorized to administer), what is the Invoice Price of such Articles, and that he verily believes such Invoice Price is the Current Value of the Articles at the Place from whence the said Articles were imported, and such Invoice Price, with the Addition of Ten Pounds *per Centum* thereon, shall be deemed and taken to be the Value of such Articles in such Colony, Plantation or Island as aforesaid, in lieu of the Value so declared by the Importer or Proprietor, or his known Agent or Factor, and upon which the Duties specified in the said Table shall be charged and paid: Provided also, that if it shall appear to the Collector or other Chief Officer of the Customs, that such Articles have been invoiced below the real and true Value thereof, at the Place from whence the same were imported, or if the Invoice Price is not known, the Articles shall in such case be examined by Two competent Persons, to be nominated and appointed by the Governor or Commander in Chief of the Colony, Plantation or Island into which the said Articles are imported, and such Persons shall declare on Oath before the Collector or other Chief Officer of the Customs, which Oath such Collector or other Chief Officer of the Customs is hereby authorized to administer, what is the true and real Value of such Articles in such Colony, Plantation or Island; and the Value so declared on the Oaths of such Persons shall be deemed to be the true and real Value of such Articles, and upon which the Duties specified in the said Schedule marked B. shall be charged and paid.

Proviso where Articles not duly valued;

or where Value or Invoice Price not known.

What deemed the true Value.

Importer, &c. refusing to pay Duties, the Articles to be publicly sold, and Duties and Charges deducted.

XII. And be it further enacted, That if the Importer or Proprietor of such Articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector, or other Chief Officer of the Customs, where such Articles shall be imposed, and he is hereby respectively required to take and secure the same, with the Casks or other Package thereof, and to cause the same to be publicly sold within the Space of Twenty Days at the most after such Refusal made, and at such Time and Place as such Officer shall by Four or more Days' Public Notice appoint for that Purpose, which Articles shall be sold to the highest Bidder, and the Money arising from the Sale thereof shall be applied to the Payment of the said Duties, together with the Charges which shall have been occasioned by the said Sale, and the Overplus (if any), shall be paid to such Importer, Proprietor or any other Person authorized to receive the same.

Overplus to Importer, &c.

Duties not payable if Articles liable to an

XIII. Provided always, and be it further enacted, That if upon the Importation of any Article charged with Duty by this Act, the said Article shall also be liable to the Payment of Duty under the Authority

Authority of any Colonial Law equal to or exceeding in Amount the *Duty* charged upon such Article by this Act, then and in such case the Duty charged upon such Article by this Act shall not be demanded or paid upon the Importation of such Article: Provided also, that if the Duty payable under such Colonial Law shall be less in Amount than the Duty payable by this Act, then and in such case the Difference only in the Amount of the Duty payable by this Act, and the Duty payable under the Authority of such Colonial Law, shall be deemed to be the Duty payable by this Act, and the same shall be collected and paid in such and the like manner, and appropriated and applied to such and the like Uses as the Duties specified in the said Schedule annexed to this Act marked B. are directed to be collected, paid, appropriated and applied.

equal Colon Duty.

If Colonial Duty less, D ference only paid.

XIV. And be it further enacted, That all Sums of Money granted and imposed by this Act either as Duties, Penalties or Forfeitures, shall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered and paid to the Amount of the Value which such nominal Sums bear in *Great Britain*; and that such Monies may be received and taken according to the Proportion and Value of Five Shillings and Six Pence the Ounce in Silver.

Duties, Pen ties, &c. to be Sterling Mo at a certain Rate.

XV. And be it further enacted, That all and every the Goods or Commodities, and all Ships or Vessels forfeited by this Act, shall and may be seized by the Commander or Commanders of any of His Majesty's Ships or Vessels of War, or any Commissioned, Warrant or Petty Officer specially authorized by him or them, or by any Officer or Officers of His Majesty's Customs; and that every Forfeiture and Penalty incurred by this Act shall and may respectively be sued for, prosecuted and recovered in such Courts, and by such and the like Ways, Means and Methods, and the Produce thereof respectively disposed of and applied in such and the like manner, and to such and the like Uses and Purposes, as any Forfeiture or Penalty incurred by any Law respecting the Revenue of the Customs may now be sued for, prosecuted or recovered, disposed of and applied either in this Kingdom or in any of His Majesty's Dominions in *America* or the *West Indies* respectively, as the case may happen to be.

Recovery a Application Forfeitures.

XVI. And be it further enacted, That if any Person or Persons shall be sued or prosecuted for any thing done or to be done in pursuance of this Act, such Person or Persons may plead the General Issue, and give this Act and the Special Matter in Evidence; and if the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, shall become Nonsuit, or forbear the Prosecution, or discontinue his, her or their Action, or if a Verdict shall pass against him, her or them, the Defendant shall have Treble Costs, and shall have the like Remedy for the same as in Cases where Costs are by Law given to Defendants.

In Action fo executing Ac

General Issu

Treble Costs

SCHEDULES to which this Act refers.

SCHEDULE A.

A SCHEDULE of Articles allowed to be exported from Ports in Europe or in Africa, to any of His Majesty's Colonies, Plantations or Islands in America or the West Indies.

Anchovies.	Essence of Citron.	Lava and Malta Stone, for Buildings.	Pozzolana.
Argol.	——— of Lemon.	Lentils.	Precious Stones.
Alabaster, rough and worked.	——— of Orange.	Lumber.	Pearls.
Anniseed.	——— of Lavender.	Manna.	Punck.
Amber.	——— of Roses.	Mosaic Works.	Pumice Stone.
Almonds.	——— of Rosemary.	Medals.	Peas.
Biscuit.	Emery Stone.	Meal.	Parmesan Cheese.
Brandy.	Flour.	Musk.	Quicksilver.
Bullion.	Fruit.	Marble, rough and worked.	Raisins.
Brimstone.	—— dry and wet, preserved in Brandy and Sugar, in Jars and Bottles.	Mill Timber.	Rhubarb.
Boxwood.		Maccaroni.	Rice.
Beans.		Mules.	Salt.
Botargo.		Nuts of all Kinds.	Sausages.
Cattle.		Oil of Olives.	Senna.
Currants.	Figs.	—— of Almonds.	Scammony.
Capers.	Garden Seeds.	Opium.	Sarsaparilla.
Cantharides.	Gum Arabic.	Orris Root.	Saffron.
Corn.	—— Mastic.	Ostrich Feathers.	Safflower.
Cumminseed.	—— Myrrh.	Ochres.	Shingles.
Coral.	—— Sicily.	Orange Buds, and Peel.	Sponges.
Cork.	—— Ammoniac.	Olives.	Staves.
Cinnabar.	Grain.	Pickles, in Jars and Bottles.	Sheep.
Cascasoo.	Honey.	Paintings & Prints.	Vermillion.
Caviar.	Jalop.		Vermicelli.
Dates.	Incense.		Whetstones.
Essence of Bergamot.	Juniper Berries.		Wine.
			Wood Hoops.

SCHEDULE B.

A SCHEDULE of Duties payable on Articles imported into His Majesty's Colonies, Plantations, or Islands in America or the West Indies, from Ports in Europe or Africa, under the Authority of this Act.

		£.	s.	d.
Wine, imported in Bottles, viz.				
——— French Wine -	the Tun of 252 Gallons	10	10	0
——— Madeira Wine -	the Tun of 252 Gallons	7	7	0
——— Portugal Wine -	the Tun of 252 Gallons	7	7	0
——— Rhenish, Germany and Hungary Wine	the Tun of 252 Gallons	9	9	0
——— Spanish Wine, and Wine not otherwise enumerated - - -	the Tun of 252 Gallons	7	7	0

SCHEDULE B—*continued.*

		£.	s.	d.
Wine. And in addition to the specified Duties hereby imposed upon such Wines respectively, a further Duty for every 100*l.* of the true and real value thereof		7	10	0
—— And for every Dozen of Foreign Quart Bottles, in which such Wine may be imported		0	8	0
Corn, Flour, Grain, Meal, Peas, Beans	For every 100*l.* of the true and real Value thereof	12	0	0
Headings	for every 1,000	1	1	0
Lumber, viz. Yellow or White Pine	per 1,000 Feet	1	1	0
—— all other Descriptions		1	8	0
Mill Timber, the like		10	0	0
Shingles, for every 1,000, not exceeding 12 Inches in Length		0	7	0
—— for every 1,000, exceeding 12 Inches		0	14	0
Staves, Oak, Red or White	for every 1,000	1	1	0
Wood Hoops	for every 1,000	0	5	3
Alabaster, Anchovies, Argol, Anniseed, Amber, Almonds, Brandy, Brimstone, Botargo, Boxwood, Currants, Capers, Cascasoo, Cantharides, Cumminseed, Coral, Cork, Cinnabar, Dates, Essence of Bergamot, —— of Lemon, —— of Roses, —— of Citron, —— of Orange, —— of Lavender, —— of Rosemary, Emery Stone, Fruit, viz. —— dry, and preserved in Sugar, —— wet, preserved in Brandy, Figs	For every 100*l.* of the true and real value thereof.	7	10	0

SCHEDULE B—*continued.*

		£. s. d
Gum Arabic —— Mastic —— Myrrh —— Sicily —— Ammoniac Honey Jalap Juniper Berries Incense of Frankincense Lava and Malta Stone, for building Lentils Manna Marble, rough and worked Mosaic Work Medals Musks Maccaroni Nuts of all Kinds Oil of Olives — of Almonds Opium Orris Root Ostrich Feathers Ochres Orange Buds and Peel Olives Pickles, in Jars and Bottles Paintings Pozzolana Pumice Stone Punck Parmesan Cheese Pickles Prints Pearls Precious Stones (except Diamonds) Quicksilver Raisins Rhubarb Rice Sausages Senna Scammony Sarsaparilla Saffron Safflower Sponges Vermillion Vermicelli Wine, not in Bottles, except Wine imported into Newfoundland Whetstones	For every 100l. of the true and real value thereof.	7 10 0

CAP. XLVI.

(Amended 4 Geo. 4. c. 37.)

An Act for the more speedy Return and Levying of Fines, Penalties and Forfeitures, and Recognizances estreated.

[24th *June* 1822.]

'WHEREAS an Act was passed in the Twenty second and Twenty third Years of His late Majesty King *Charles* the Second, intituled *An Act for the better and more certain Recovery of Fines and Forfeitures due to His Majesty*, which Act was made perpetual by an Act passed in the Fourth and Fifth Years of the Reign of Their late Majesties *William* and *Mary*, intituled *An Act for reviving, continuing and explaining several Laws therein mentioned, which are expired and near expiring*: And Whereas an Act was passed in the Forty first Year of His late Majesty *George* the Third, intituled *An Act for better Payment of Fines and Forfeitures imposed by Justices out of Sessions in England*: And Whereas great Delays occur in the Return of Fines, Issues, Amerciaments, forfeited Recognizances, Sum and Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, by or before any Justices of the Peace, or at any General or Quarter Sessions of the Peace in that Part of the United Kingdom called *England*: And Whereas such Delays impede the due Administration of Justice as well as the Recovery of the Fines and Forfeitures due to the Crown thereupon, and it is therefore expedient that further Provision should be made for the speedy and regular Return of all such Fines, Issues, Amerciaments, forfeited Recognizances and Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty ninth Day of *September* One thousand eight hundred and twenty two, so much of the aforesaid Act passed in the Twenty second and Twenty third Years of the Reign of His late Majesty King *Charles* the Second, as relates to Fines, Issues and Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them imposed and adjudged at any Quarter Sessions of the Peace; and also that such Part of the aforesaid Act of Their late Majesties *William* and *Mary*, as makes perpetual the aforesaid Provisions contained in the said Act passed in the Twenty second and Twenty third Year of the Reign of His late Majesty King *Charles* the Second; and likewise so much of the said Act passed in the Forty first Year of the Reign of His late Majesty King *George* the Third, as relates to the annual Payment of all Fines, Forfeitures and Penalties, or such Parts thereof as shall be due to the King, imposed and received by any Justice out of Sessions, and not made payable to any Body or Bodies Corporate, or any Commissioners of any Public Board, or any other Person or Persons, into the Hands of the Sheriff previous to the *Michaelmas* Sessions; and also so much of the said Act of the Forty first Year of the Reign of His said late Majesty King *George* the Third, as requires such Justices, previous to the *Michaelmas* Sessions yearly, to

22&23 C.2. c.22.

4&5 W.&M. c.24.

41 G.3. c.85.

So much of 22&23 Car.2. c.22. as relates to Fines, &c.

4&5 W.&M. c.24. § 4.

41 G.3. c.85. U.K. § 1.

to transmit to the Clerk of the Peace or Town Clerk where such Fine was imposed an Account in Writing of all such Fines, shall be and are hereby repealed.

Repealed.

Statements of Fines, &c. to be certified to Clerk of the Peace by the Justice by whom such Fine, &c. is imposed.

II. And be it further enacted, That from and after the Twenty ninth Day of *September* One thousand eight hundred and twenty two, all Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them (save and except the same shall, by virtue of any Act or Acts of Parliament made or to be made, be otherwise directed to be levied, recovered, appropriated or disposed of), which already are or hereafter shall be set, imposed, lost or forfeited by or before any Justice or Justices of the Peace in that Part of the United Kingdom called *England*, shall be and are hereby required to be certified by the Justice or Justices of the Peace by or before whom any such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, shall be set, imposed, lost or forfeited, to the Clerk of the Peace of the County, or Town Clerk of the City, Borough or Place, in Writing, containing the Names and Residences, Trade, Profession or Calling of the Parties, the Amount of the Sum forfeited by each respectively, and the Cause of each Forfeiture, signed by such Justice or Justices of the Peace, on or before the ensuing General or Quarter Sessions of such County, City, Borough or Place respectively; and such Clerk of the Peace or Town Clerk shall copy on a Roll such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, together with all Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them imposed or forfeited at such Court of General or Quarter Sessions, and shall, within such Time as shall be fixed and determined by such Court, not exceeding Twenty one Days after the Adjournment of such Court, send a Copy of such Roll, with a Writ of *Distringas* and *Capias* or *Fieri facias* and *Capias* according to the Form and Effect in the Schedule marked (A.) annexed to this Act, to the Sheriff of such County, or the Sheriff, Bailiff or Officer of such City, Borough or Place having Execution of Process therein respectively, as the case may be, which shall be the Authority to such Sheriff of such County, or the Sheriff, Bailiff or Officer, as the case may be, for proceeding to the immediate levying and recovering of such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them, on the Goods and Chattels of such several Persons, or for taking into Custody the Bodies of such Persons, in case sufficient Goods and Chattels shall not be found whereon Distress can be made for Recovery thereof; and every Person so taken shall be lodged in the Common Gaol until the next General or Quarter Sessions of the Peace, there to abide the Judgment of the said Court.

Clerk of the Peace to copy on a Roll such Fines, &c. at Quarter Sessions, and send a Copy of such Roll, with Writ of Distringas, &c. to the Sheriff, &c. according to Form in Schedule (A.)

Sheriff, &c. may proceed thereon.

III. And be it further enacted, That the Clerk of the Peace or Town Clerk shall, before he shall deliver the Roll to such Sheriff, Bailiff or Officer, containing the Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, and is hereby required to make Oath before any Justice of the Peace for the County,

Clerk of the Peace or Town Clerk to make Oath as to all Fines, &c. inserted in the Roll and paid.

Riding, City, Borough or Place for which such Clerk of the Peace or Town Clerk shall act; which Oath shall be indorsed on the Back of the Writ, or of the said Roll attached thereto, such Clerk of the Peace or Town Clerk stating therein all such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money, which shall have been paid or otherwise accounted for; and such Oath shall be made in the Form following:

Form of Oath.

'I make Oath, That this Roll is truly and carefully made up and examined, and that all Fines, Issues, Amerciaments, Recognizances and Forfeitures, which were set, lost, imposed or forfeited, and in right and due Course of Law ought to be levied and paid, are, to the best of my Knowledge and Understanding, inserted in the said Roll, and that in the said Roll are also contained and expressed, all such Fines as have been paid to, or received by me, either in Court or otherwise, without any wilful or fraudulent Discharge, Omission, Misnomer or Defect whatever. So help me GOD.'

Notice to Sureties according to Form in Schedule (B.)

IV. And be it further enacted, That each and every Justice of the Peace before whom any Recognizance shall be entered into or taken, shall and is hereby required to give, or cause to be given, at the Time of entering into such Recognizance, to the Person or Persons, Surety or Sureties so entering into the same, and to each of them, a written or printed Paper or Notice, in the Form or to the Effect stated in the Schedule marked (B.) to this Act annexed, adapting the same to the particular Circumstances of the Case; and

What Recognizance to specify.

each and every such Justice shall in such Recognizance state and particularly specify not only the Profession, Art, Mystery or Trade of every Person so entering into such Recognizance, together with their Christian Name and Names and Surnames, but also the Parish, Township or Place of his or her Residence; and in case such Residence shall be in any City, Town or Borough, shall also state and particularly specify the Name of the Street and Number of the House (if any) in which such Person shall reside, and also whether Owner or Tenant thereof, or Lodger therein.

Appeal to Quarter Sessions against Fines, &c. Security.

V. Provided always, and be it enacted, That if any Person on whose Goods and Chattels such Sheriff, Bailiff or Officer shall be authorized to levy any such forfeited Recognizance, or Sum of Money to be paid in lieu or satisfaction thereof, shall give Security to the said Sheriff, Bailiff or Officer for his Appearance at the next General or Quarter Sessions, then and there to abide the Decision of the Court, and also to pay such forfeited Recognizance or Sum of Money to be paid in lieu or satisfaction thereof, together with all such Expences as shall be ordered and adjudged by the Court, it shall be lawful for such Sheriff, Bailiff or Officer, and he is hereby authorized and required, to discharge such Person so giving such Security out of Custody: Provided also, that in case such Party so giving Security shall not appear in pursuance of his Undertaking, it shall be lawful for the Court forthwith to issue a Writ of *Distringas* and *Capias*, or *Fieri facias* and *Capias*, against the Surety or Sureties of the Person so bound as aforesaid.

Proviso for Non Appearance.

Quarter Sessions to determine such Appeals.

VI. And be it further enacted, That the Court of General or Quarter Sessions before whom any Person so committed to Gaol or bound to appear shall be brought, is hereby authorized and required

required to inquire into the Circumstances of the Case, and shall, at its Discretion, be empowered to order the Discharge of the whole of the forfeited Recognizance, or Sum of Money paid or to be paid in lieu or satisfaction thereof, or any Part thereof; and such Order shall be made in the Form or to the Effect of the Schedule marked (C.) to this Act annexed, and shall be signed by the Clerk of the Peace, which said Order shall be a Discharge to such Sheriff, Bailiff or Officer, on the passing of his Accounts at the Exchequer, or before any Auditor or other proper Officer duly authorized to pass the same; and in all Cases where the Party shall have been lodged in the Common Gaol by such Sheriff, Bailiff or other Officer, the Justices of the Peace so assembled are hereby empowered either to remand such Party to the Custody of the Sheriff, Bailiff or other Officer, or upon the Release of such Party from the whole of such forfeited Recognizance, to order such Party to be discharged from Custody, and such Order shall be full and sufficient Discharge to the said Sheriff, Bailiff or Officer on the passing of his Accounts at the Exchequer or before any Auditor or other proper Officer duly authorized to pass the same; and it shall and may be lawful to and for the said Court of General or Quarter Sessions to award such Costs, Charges and Expences to be paid by either Party to the other, as to the said Court shall seem just and reasonable.

Order made. Form in Schedule (C.)

If Party in Custody, Sessions may remand or release him.

Sessions no power to discharge recognizance where Party has paid the money. 7 B. & C. 293

Costs.

[Repealed.

VII. And be it further enacted, That in all Cases where the Party incurring any Fine, Issue, Amerciament, forfeited Recognizance, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them, shall reside in another County, or in any City, Borough or Place having peculiar Jurisdiction, or shall have fled into any other County, or into any such City, Borough or Place, after such Fine, Issue, Amerciament, forfeited Recognizance, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them, shall have been incurred, or shall have removed his Goods and Chattels out of the Jurisdiction in which such Fine, Issue, Amerciament, forfeited Recognizance, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them, shall have been imposed, it shall be lawful for the said Sheriff, Bailiff or Officer, and he is hereby required, to apply to any Justice of the Peace acting for such County, City, Borough or Place into which the Party may have fled or removed his Goods and Chattels, and such Justice is hereby required, upon Proof on Oath of the Handwriting of the Sheriff or Under sheriff, Bailiff or Officer granting such Warrant, to indorse his Name thereon, which shall be a sufficient Authority to the Person bringing such Warrant, and to all other Persons to whom the same may be directed, to execute the same in such other County, City, Borough or Place; and in case sufficient Distress shall not be found whereon to levy such Fine, Issue, Amerciament, estreated Recognizance, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them and all Costs and Charges attending the Recovery thereof, then to take the Body of the Party and lodge him in the Gaol of the County, City, Borough or Place in which the Forfeiture had been incurred, there to await the Decision of the Court at the ensuing General or Quarter Sessions.

Sheriff may recover Fines, &c. out of County where imposed, upon getting his Warrant backed by Justice of Peace of County where Offender is.

4 Geo: 4. c. 37 s. 2.]

VIII. And

Sheriff to return Writ to Quarter Sessions, and indorse Proceedings on Return, &c. forwarded by Clerk of Peace to Treasury.

VIII. And be it further enacted, That the said Sheriff, Bailiff or Officer shall, at the Opening of the Court, on the First Day of the ensuing General or Quarter Sessions, return the said Writ, and shall state on the Back of the said Roll what shall have been done in the Execution of such Process; which Return, together with a Duplicate of the Roll of Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, at the preceding Quarter Sessions, and the Certificate of the Court on the Back of the Roll, stating that due Diligence has been exercised on the Part of the Sheriff, shall be transmitted by the Clerk of the Peace to the Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*.

No Stamp Duty.

IX. Provided always, and be it further enacted, That none of the Proceedings under this Act shall be liable to or charged with any Stamp Duty.

Allowance to Sheriff and Clerk of the Peace on Sums levied.

X. And be it further enacted, That the Clerk of the Peace and other Officers shall be entitled to their usual and legal Fees on the Discharge of any forfeited Recognizance, and the said Clerk of the Peace to an Allowance of Six Pence for every One hundred Words, for all Copies of the Roll sent to the said Lords Commissioners of the Treasury; and in case any such Sheriff, Bailiff, Officer or Clerk of the Peace shall refuse or neglect to do and perform any Duty, Act or Thing imposed or required upon or from such Sheriff or Clerk, Bailiff or Officer, in Manner by this Act directed, then and in every such Case, such Sheriff, Bailiff or Officer, or Clerk so refusing or neglecting, shall forfeit and pay the Sum of Fifty Pounds, to be recovered by any Person or Persons who will sue for the same, together with full Costs of Suit, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law or any more than One Imparlance shall be allowed.

Sheriff, &c. Neglecting, Penalty 50l.

Proviso for the usual Mode of appropriating Fines.

XI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend so as to prevent or interfere with the Appropriation of any such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money, when so paid or accounted for into the said Court of Exchequer by any such Sheriff, Bailiff or Officer, but the same shall and may be applied, disposed of, and appropriated in such and the like manner as such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid in lieu or satisfaction of them or any of them, paid into the Exchequer, were applied, disposed of, and appropriated before the passing of this Act.

Compensations to Officers.

XII. Provided also, and be it enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury to make such Compensation as they may think fit, for the Loss of any legal Fees occasioned to the Officers thereof, or to the Officers of the Court of the Duchy of *Lancaster*, by this Act.

Proviso for Rights, &c. of His Majesty in Duchy of Lancaster.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be in any ways prejudicial to the Rights, Liberties, or Privileges of the King's most Excellent Majesty, His Heirs and Successors, in right of his Duchy or County Palatine of *Lancaster*; but that the same Rights and Privileges shall be enjoyed and used in all Respects, and to all Intents and Purposes

Purposes whatsoever, in the same Manner and Form as they were before the passing of this Act; any thing herein contained to the contrary notwithstanding.

Clerks of the Peace, &c. to deliver into Court of Exchequer yearly a Certificate of Fines, &c. paid.

XIV. Provided always, and be it further enacted, That all and every the Clerk and Clerks of the Peace, and all Town Clerks, within that Part of the United Kingdom called *England*, do and shall, on or before the Second *Monday* after the Morrow of *All Souls* yearly in every Year, make and deliver into the Court of Exchequer a true and perfect Duplicate on Certificate of all such Fines, Issues, Amerciaments, forfeited Recognizances and Sum or Sums of Money, and other Forfeitures whatsoever paid in lieu or Satisfaction of them or any of them, as shall be contained in the several Rolls or Copies which shall be so sent out to the Sheriff for the Purpose of levying as aforesaid, and which shall have been set, lost, imposed or forfeited in any of the said Sessions of the Peace which shall be held before *Michaelmas* in each Year, to the Intent that the Sheriffs, on their Apposals in the said Court of Exchequer, may be charged in their Accounts with the Monies levied and received by him or them respectively upon such Writs or otherwise, and that all Parties entitled to any such Fines, Recognizances or other Forfeitures, or any Portion or Portions thereof, may be at liberty to claim the same before the Foreign Apposer of the said Court of Exchequer, according to the ancient Course and Practice of the said Court.

Proviso for Bodies Corporate, &c.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall in any sort extend or be construed to extend to the prejudicing the Rights and Privileges of any Bodies Politic or Corporate, or their Successors, or of any Lord or Lords of any Manor, Liberty or Franchise whatsoever; any thing herein to the contrary thereof in any wise notwithstanding.

Proviso for City of London.

XVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to or be in any ways prejudicial to the Rights, Customs, Privileges, Liberties, Charter or Charters of the City of *London*; but that the said City may enjoy the same accordingly, as they formerly have enjoyed the same, in all Respects and to all Intents and Purposes whatsoever, in the same and in as full and ample a Manner as they before this Act had enjoyed the same; any thing herein contained to the contrary thereof in any wise notwithstanding.

SCHEDULE (A.)

GEORGE the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith; To the Sheriff or Bailiff or Officer (*as the case may be*) for the County of [*or*, City, Borough or Place, *as the case may be*] greeting.

YOU are hereby required and commanded, as you regard yourself and all yours, That you omit not by reason of any Liberty in your County, City, Borough or Place, as the Case may be, but that you enter the same, and of all the Goods and Chattels, Lands and Tenements of all and singular the Persons in the several Extracts of this Writ annexed, you cause to be levied all and singular the Debts and Sums of Money upon them in the same Extracts severally

severally imposed and charged, so that the Money may be ready for Payment at the next General or Quarter Sessions of the Peace, to be paid over in such manner as any Two or more of the Lords Commissioners of His Majesty's Treasury may direct; and if any of the said several Debts cannot be levied by reason of no Goods or Chattels being to be found belonging to the Parties, then in all Cases that you take the Bodies of the Parties refusing to pay the aforesaid Debts, and lodge them in the Gaol (of the County, City, &c.) there to await the Decision of the Justices assembled at the next General or Quarter Sessions, unless the Parties shall have given sufficient Security for their Appearance at such Sessions, for which you will be held answerable, and have you there then this Writ. Witness

Keeper of the Rolls of the County, at in the County of the Day of in the Year of Our Reign.

Clerk of the Peace.

SCHEDULE (B.)

TAKE Notice, That you of
to wit. } are bound in the Sum of Pounds,
and your Sureties in
the Sums of Pounds each, to appear at the Quarter or General Sessions of the Peace for the County of to be holden at on the Day of next, and unless you personally make your Appearance accordingly, the Recognizances entered into by yourself and Securities will be forthwith levied on you and your Bail. Dated this Day of One thousand eight hundred and twenty .

Justices of the Peace.

SCHEDULE (C.)

To the Sheriff, [Bailiff, or Officer, *as the case may be*] of the County, City, Borough or Place, *as the case may be*, of .

WHEREAS hath appeared before the Justices assembled at the General or Quarter Sessions [*as the case may be*] held at the on the Day of has forfeited the Sum of [*here describe the Nature of the Fine or Forfeiture*], and having made it appear to the Satisfaction of the Justices so assembled, that he should be relieved from the Payment of the said Sum of [*or if the Penalty is mitigated, state from what Part thereof*], you are therefore hereby required to discharge the said Sum of from the Estreat Roll delivered to you after the Quarter Sessions held at for which Discharge this Warrant shall be your Authority, and shall exonerate you from the said Charge on the final passing of your Accounts at the Exchequer, or before any other Officer duly authorized to pass such Account.

By Order of the Court.

CAP. XLVII.

An Act to repeal an Act of His present Majesty, for explaining an Act made in the Twelfth Year of Queen *Anne*, to reduce the Rate of Interest without Prejudice to Parliamentary Securities, and to substitute other Provisions in lieu thereof. [24th *June* 1822.]

1 & 2 G. 4. c. 51. 14 G. 3. c. 79. 12 Ann. st. 2. c. 16.

'WHEREAS it is expedient that an Act, passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to explain an Act, made in the Fourteenth Year of His late Majesty King* George *the Third, for explaining an Act made in the Twelfth Year of Queen* Anne, *intituled An Act to reduce the Rate of Interest, without Prejudice to Parliamentary Securities*,' should be repealed, and other Provisions substituted in lieu thereof:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed; save and except so far as regards any Mortgages or Securities which have been executed before the passing of this Act.

Repealed.

Securities made in G. B. concerning Lands, &c. in Ireland or the Colonies, to be as valid as if made in the Country where the Property is situate.

II. And be it further declared and enacted, That all Mortgages and Securities which by any of His Majesty's Subjects already have been, or after the passing of this Act shall be made and executed in *Great Britain*, of or concerning any Lands, Tenements or Hereditaments, Slaves, Cattle or other Things, lying and being in *Ireland*, or in any of His Majesty's Colonies, Plantations or Dominions in the *West Indies*, or any Estate or Interest therein, to any of His Majesty's Subjects, for securing the Repayment of the Sums of Money thereon respectively really and *bonâ fide* advanced and lent, with Interest for the same, whether payable in *Great Britain* or in the Country, Island, Plantation or Place where the Lands, Tenements, Hereditaments, Slaves, Cattle or other Things mentioned and comprised in any such Mortgage or Security severally lie or are; and also all Conveyances, Demises or other Assurances of any Lands, Tenements, Hereditaments, Slaves, Cattle or other Things lying and being in *Ireland*, or in any of His Majesty's Colonies, Plantations or Dominions in the *West Indies*, or any Estate or Interest therein; and all Bonds and Covenants which have been, or which after the passing of this Act shall be respectively made, executed or entered into, in *Great Britain*, to or with any of His Majesty's Subjects, either by the Person or Persons borrowing such Sum or Sums of Money, or by any other Person or Persons residing in *Great Britain* or elsewhere, whether such Conveyances, Demises or other Assurances, Bonds and Covenants, shall be respectively made, executed or entered into by way of collateral Security for the Payment of such Interest, or for securing the Payment of Interest on the Sum or Sums of Money so really and *bonâ fide* advanced and lent, at any higher Rate than the Rate of Interest which such Mortgages or other Securities respectively actually bear

Interest.

or

or carry, or shall bear or carry, or for securing any additional Interest over and above the Interest which such Mortgages or other Securities respectively actually bear or carry, or shall bear or carry; and whether such collateral or other Securities for such Interest or higher Rate of Interest or additional Interest, in any of the Cases aforesaid, have been or shall be respectively made, executed or entered into, at the Time or respective Times of making and executing such Mortgages and other Securities, for the Sum or Sums of Money so really and *bonâ fide* advanced and lent, or at any Time or Times subsequent thereto; and whether the same have been or shall be respectively made, executed or entered into, to or with the Person or Persons to whom such Mortgages and Securities have been or shall be originally made, or his, her or their Representatives or Trustees, or to any Person or Persons to whom any Transfers or Assignments of any such Mortgages or other Securities have been or shall be made, or his, her or their Representatives or Trustees; and all Transfers and Assignments which have been, or which after the passing of this Act shall be made and executed in *Great Britain*, of such Mortgages, Securities, Conveyances, Demises or other Assurances, Bonds or Covenants respectively as aforesaid, to any of His Majesty's Subjects, shall be as good, valid and effectual, to all Intents and Purposes whatsoever, as such Mortgages, Securities, Conveyances, Demises or other Assurances, Bonds, Covenants, Transfers or Assignments, respectively would have been if the same had been respectively made, executed or entered into, and the Interest secured thereby respectively had been made payable, and the Person or Persons making, executing or entering into such Conveyances, Demises or other Assurances, Bonds or Covenants respectively, for securing such Interest, or higher or additional Interest as aforesaid, had resided in the Country, Island, Plantation or Place, where the Lands, Tenements, Hereditaments, Slaves, Cattle or other Things mentioned and comprised in any such Mortgage, Security, Conveyance, Demise or other Assurance, Transfer or Assignment as aforesaid, severally lie or are; and that none of His Majesty's Subjects in *Great Britain* shall be subject or liable to any of the Penalties or Forfeitures in the said Act made in the Twelfth Year of the Reign of Her late Majesty Queen *Anne*, by receiving or taking, or having received or taken Interest for the Sum or Sums of Money really and *bonâ fide* advanced or lent, or to be advanced or lent on any such Mortgage, Security, Conveyance, Demise or other Assurance, Bond, Covenant, Transfer or Assignment as aforesaid, so as the total Amount of the Interest so to be received or taken do not exceed the Rate of Interest allowed by the Law of the Country, Island, Plantation or Place, where the Lands, Tenements, Hereditaments, Slaves, Cattle or other Things comprised in any such Mortgage, Security, Conveyance, Demise or other Assurance, Transfer or Assignment, severally lie or are; the aforesaid Act made in the Twelfth Year of the Reign of Her late Majesty Queen *Anne*, or any other Law or Statute to the contrary notwithstanding.

Assignments of such Mortgages executed in G. B. valid, as if Party had resided in the Country where the Lands lie.

Proviso as to Liability to Penalties of 12 Ann. st. 2. c. 16.

CAP. XLVIII.

An Act to repeal certain Tonnage Duties of Customs on Ships or Vessels. [1st *July* 1822.]

59 G. 3. c. 52. ‘WHEREAS by an Act passed in the Fifty Ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the several Duties of Customs chargeable in* Great Britain, *and to grant other Duties in lieu thereof*; and by Table E. annexed thereto, certain Tonnage Duties of Customs are payable on Ships or Vessels entering Inwards or Outwards (except in Ballast) in any Port of *Great Britain* from or to Foreign Parts: And Whereas it is expedient to repeal the said Duties:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act and Table E. as imposes the Tonnage Duties of Customs payable on Ships or Vessels entering Inwards or Outwards (except in Ballast) in any Port of *Great Britain* from or to Foreign Parts, shall be and the same is hereby repealed.

Table E. Tonnage.

The said Duties repealed.

CAP. XLIX.

An Act concerning the Residence of Sheriffs Depute of the Counties of *Edinburgh* and *Lanark*. [1st *July* 1822.]

20 G. 2. c. 43. § 29. ‘WHEREAS an Act was made in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for taking away and abolishing the Heritable Jurisdictions in that Part of* Great Britain *called* Scotland; *and for making satisfaction to the Proprietors thereof; and for restoring such Jurisdictions to the Crown; and for making more effectual Provision for the Administration of Justice throughout that Part of the United Kingdom, by the King’s Courts and Judges there; and for obliging all Persons acting as Procurators, Writers or Agents in the Law of* Scotland, *to take the Oaths; and for rendering the Union of the Two Kingdoms more complete*; by which it was enacted, that there should be but One Sheriff Depute or Steward Depute in every County, Shire or Stewartry in *Scotland*, not thereby taken away or abrogated, and that he should be an Advocate of Three Years’ standing at the least, and should during the space of Seven Years from the Twenty fifth Day of *March* One thousand seven hundred and forty eight, be nominated and appointed by His Majesty, His Heirs and Successors, by Warrant under his or their Sign Manual, with such Continuance as His Majesty, His Heirs or Successors, should think fit; and that after the End of the said Seven Years, the Offices of Sheriff Depute and Steward Depute should be granted and held *ad vitam aut culpam* only, with competent Salaries, to be ascertained and established for the Time of their Continuance: And Whereas another Act was made in the Twenty eighth Year of the of Reign His said Majesty King *George* the Second, intituled *An Act concerning the Offices of Sheriff Depute or Steward Depute in that Part of*

28 G. 2. c. 7.

'*of* Great Britain *called* Scotland, by which it was enacted, that so 'much of the said recited Act as enacted that, after the End of 'Seven Years from and after the said Twenty fifth Day of *March*, 'the Offices of Sheriff Depute and Steward Depute should be 'granted and held *ad vitam aut culpam*, should be and was thereby 'repealed; and the Sheriffs Depute and Stewards Depute then 'named, or thereafter to be named, should, during the Space of 'Fifteen Years from and after the Expiration of the said Seven 'Years, hold and enjoy their respective Office for such Conti-'nuance as His Majesty then had, or His Majesty, His Heirs or 'Successors, should thereafter think fit to appoint, by Warrant 'under his or their Sign Manual; and that, from and after the End 'of the said Fifteen Years, the Offices of Sheriff Depute and Stew-'ard Depute should be granted and held *ad vitam aut culpam*, 'with competent Salaries, to be ascertained and established for the 'Time of their Continuance: And Whereas it was provided by the 'said first recited Act, that every such Sheriff Depute and Steward 'Depute should be and reside personally within his County, Shire 'or Stewartry, during the Space of Four Months at least in the 'Year: And Whereas it is expedient that further Provision should 'be made for the Residence of the Sheriff Depute of the County 'of *Edinburgh*, and also for the Residence of the Sheriff Depute 'of the County of *Lanark*:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, every Person holding the Office of Sheriff Depute of the County of *Edinburgh* shall reside personally within the City of *Edinburgh*, or within a Distance therefrom not exceeding Six Miles, during the Space of Nine Months at least in every Year; and in like manner, that every Person holding the Office of Sheriff Depute of the County of *Lanark* shall reside personally within the City of *Glasgow*, or within a Distance therefrom not exceeding Six Miles, during the Space of Nine Months at least in every Year; declaring that if either of the said Sheriff Deputes shall not so reside, such Sheriff Depute being convicted of such Offence, upon a summary Trial before the Court of Session, at the Suit of His Majesty's Advocate, or at the Suit of any Four or more of the Freeholders entitled to vote in Elections of Members to serve in Parliament for such County, shall be deprived of his Office.

Sheriff Depute of Edinburgh to reside there, or within Six Miles, and Sheriff Depute of Lanark to reside in Glasgow, or within Six Miles, Nine Months every Year.

II. Provided always, and be it enacted, That the said Two recited Acts shall remain unaltered, and continue to receive Effect in all other respects whatsoever.

Proviso for recited Acts.

CAP. L.

An Act to extend the Period allowed to Persons compounding for their Assessed Taxes, and to give further Relief in certain Cases therein mentioned. [1st *July* 1822.]

'WHEREAS by an Act passed in the First and Second Years 'of the Reign of His present Majesty King *George* the 'Fourth, intituled *An Act to continue several Acts for the Relief of* '*Persons compounding for Assessed Taxes from an annual Assess-*

1 & 2 G. 4. c. 113. § 1.

'ment, *for a further Term; and to amend the Acts relating to As-*
'*sessments and Compositions of Assessed Taxes*, Persons therein
'described, who had compounded for the said Duties under the
'Acts therein recited, were authorized to continue their former
§ 5. 'Compositions for a further Term; and Persons therein also de-
'scribed, who had not so compounded, were authorized to com-
'pound for the Term and in the manner in the said Act prescribed,
§ 9. 'and on the Conditions therein contained; provided that such Per-
'sons respectively should give Notices of their Intentions so to
'continue their former Compositions, or to compound, on or be-
'fore the Fifth Day of *April* One thousand eight hundred and
'twenty two, in the manner by the said Act prescribed: And
'Whereas it is expedient to enlarge the Period for compounding
'under the said Act, and to grant Relief in certain Cases herein-
'after described:' Be it therefore enacted by the King's most Ex-
cellent Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
The Time for executing the Contracts enlarged. assembled, and by the Authority of the same, That in every Case
wherein the respective Surveyors acting in the Execution of the
said Act shall, after the Fifth Day of *April* One thousand eight
hundred and twenty two and before the passing of this Act, have
received, and in every Case wherein the said respective Surveyors,
from and after the passing of this Act and before the First Day of
September One thousand eight hundred and twenty two, shall re-
ceive any Notice or Offer to compound or to continue any former
Composition authorized by the said Act, except as hereinafter is
excepted, it shall be lawful for the said respective Surveyors dili-
gently to inquire into and examine such Notices, and to certify
their Assent thereto, at any Time within Thirty Days after the De-
livery thereof respectively; and it shall be lawful for the respective
Commissioners acting in the Execution of the said Act, and they
are hereby authorized and required to enter into Composition with
such Person or Persons respectively, subject to the Rules and Re-
gulations, and according to the Provisions of the said Act and of
this Act, to all Intents and Purposes, as if the said Notices had
been delivered within the Time limited by the said first mentioned
Certificates of Composition to be executed on or before the 5th Oct. 1822. Act; provided the Certificates of such Compositions respectively
shall be executed by the said Commissioners, and the Party so
compounding, on or before the Fifth Day of *October* One thousand
eight hundred and twenty two; and provided that the Compositions
authorized to be entered into under this Act shall not extend to
any Case mentioned in the said Act, other than to renewed Com-
positions, and such Compositions as are authorized to be made on
the Amount of Assessments mentioned in the said Act, except
where otherwise varied by the Provisions of this Act; and which
Certificates of Compositions, when executed by the said Commis-
sioners or any Two or more of them, and by the Party aforesaid,
in the manner by the said Act directed, shall be of the like Force
and Effect, and subject to the like Powers and Conditions for Pay-
ment, to all Intents, as if the said Compositions had been entered
into under the Directions of the said Act; any thing in this Act
contained to the contrary notwithstanding.

1 & 2 G. 4. c. 119. § 4—8. 'II. And Whereas a Power is given in and by the said first men-
'tioned Act to Persons therein described, who had compounded for

'any

'any of the Duties of Assessed Taxes in the said Act enumerated, 'other than the Duties on Houses and Windows, to renew his or 'her former Composition on such Establishments for the further 'Time therein limited, in respect of the particular Articles allowed 'to be compounded for under the said Act, on Payment to the 'same Amount in respect of such Articles, and a further Duty 'granted by the said Act of One Shilling for every Twenty Shil-'lings of the aggregate Amount of such former Composition: And 'Whereas it is expedient to relieve from the said additional Duty 'of One Shilling Persons who have not at any Time during the 'Period of their former Compositions increased their Establish-'ment, upon which they so first compounded, so as to have be-'come chargeable with a greater aggregate Amount of Duty than 'the Amount compounded for, such Claims of Exemption being 'made and allowed in the manner hereinafter provided;' Be it further enacted, That if any Person or Persons who have given, or who shall give Notice of renewing his, her or their former Compositions under the Provisions of the said recited Act, or of this Act, shall not have increased his, her or their Establishment since entering into such first Composition, whereby such Person or Persons have not become or are liable to be charged with a greater Amount of Duty for the whole of the Articles chargeable than the Duty so compounded for, it shall and may be lawful for him, her or them to claim the Exemption from the said additional Duty granted by the said Act, upon giving Notice in Writing of such his, her or their Intention to the Surveyor of the said Duties acting for the District in which such Person or Persons shall reside, according to the Form in the Schedule to this Act annexed, on or before the First Day of *September* One thousand eight hundred and twenty two; and all such Notices shall and may be retained in the Hands of the said Surveyor respectively, until the Expiration of Thirty Days after the Delivery thereof; and every such Surveyor shall carefully and diligently examine the same, and from time to time, within the said Period of Thirty Days, deliver the same to, and therewith certify to the said respective Commissioners, his Satisfaction with or his Objections to the said Notices delivered in such Cases; and in case the Surveyor shall object to any such Claim, he is hereby required to give Notice thereof in Writing to the respective Commissioners, and his Objections thereto shall, in pursuance of such Notice, be heard upon Appeal before the said respective Commissioners, subject to such Rules and Regulations as Appeals are directed to be heard and determined under the several Acts relating to the Assessed Taxes.

Persons renewing their Compositions exempted from the additional Duty, where they have not increased their Establishment during the Period of their former Composition.

Surveyor to examine, notice and deliver same to Commissioners.

Notice of Objection.

III. And be it further enacted, That in all Claims to be allowed by the said respective Commissioners, acting in the Execution of the said Acts and of this Act, in the Cases herein provided, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to contract with the said Persons, under the said recited Act, for a Renewal of his, her or their Composition, exclusive of the said additional Duty by the said Act granted; and where any Claim shall be made and allowed under this Act, upon any Contract made and entered into before the passing thereof, it shall be lawful for any Two of the said respective Commissioners, and they are hereby required, to certify under their Hands every such

Commissioners contracting for Renewal of Composition.

Claims for Relief from additional Duty may be endorsed on Contract.

such Allowance on the Back of such Contract, without erasing the said additional Duty from the Body thereof; and all and every such Contracts so endorsed shall be as valid and effectual for enforcing the same to the Amount of the reduced Consideration and Instalments by virtue of such Endorsement, to all Intents, as if the said Contracts had been originally entered into without including therein the said additional or further Duty.

56 G.3. c.66. § 1. 'IV. And Whereas, by an Act passed in the Fifty sixth year of 'the Reign of His said late Majesty King *George* the Third, intituled *An Act for reducing the Duties payable on Horses used for 'the Purposes therein mentioned, for Two Years, and for repealing 'the Acts granting Allowances in respect of Children*, Relief was 'granted to the Occupiers of Farms at less than Two hundred 'Pounds *per Annum*, from the former Duties on Horses used for 'the Purposes of Husbandry, and in lieu of which Duties certain 'reduced Duties were substituted for the Period therein limited; § 4. 'and it was therein provided, that any Person chargeable to the 'said reduced Duties should, during the Continuance of the said 'Act, be exempted from the Duties payable under the said several 'Acts, in respect of One such Horse, Mare or Gelding used occasionally for the Purposes of riding thereon: And Whereas the 'Provisions of the said Act were extended by subsequent Acts, and 1&2 G.4.c.110. 'by an Act passed in the last Session of Parliament, intituled *An 'Act for repealing the Duties imposed on Husbandry Horses, and to 'make perpetual several Acts for reducing the Duties on certain 'Horses and Mules*, the Duties on Husbandry Horses granted by 'the said former Acts were wholly repealed, but the said Exemption was not extended beyond the Period of Continuance of the 'said reduced Duties: And Whereas it is expedient to continue 'the said Exemption, for the same Term mentioned in the said Act 'for the Continuance of the said reduced Duties;' Be it further

Exemption from Horse Duty under the said Acts for Farmers herein described occasionally riding a husbandry Horse.

enacted, That from and after the Fifth day of *April* One thousand eight hundred and twenty two, for the term of Five years then next following, any Person occupying a Farm as Tenant at Rack Rent, the Rent of which shall be less than Two hundred Pounds a year, and making a Livelihood solely thereby, or any Person occupying any Estate on any other Tenure than as Tenant at Rack Rent solely on such Estate, together with a Farm at Rack Rent, the Value of which in the whole shall be less than equivalent to a Farm at Rack Rent of Two hundred Pounds a year (reckoning the Value of every Estate occupied by the Owner thereof, or on any Tenure other than as Tenant at Rack Rent, as equivalent to double the Amount of the like Farm at Rack Rent), and making a Livelihood solely by such his own Estate, or by such Estate and Farm jointly, shall be exempt from the Duty payable under the said Acts for One Horse, Mare or Gelding, *bonâ fide* kept and usually employed for the Purpose of Husbandry on his said Estate or Farm, although used occasionally for the Purpose of riding; such being claimed and allowed in like manner as is directed by the Acts relating to Assessed Taxes, in other Cases of Exemption from the said Duty.

Exemption for Farmers herein described occasionally letting their Husban-

V. And be it further enacted, That from and after the said Fifth Day of *April* One thousand eight hundred and twenty two, any Persons occupying a Farm of less Value than Two hundred Pounds *per Annum*, in the Cases of Exemptions last hereinbefore described,

scribed, and making a Livelihood solely thereby, and from the Profits of letting and Use hereinafter mentioned, shall be exempt from the Duty chargeable by the said recited Acts, in respect of any Horses, Mares or Geldings, *bonâ fide* kept for the Occupation of his, her or their Farm, although any such Horses, Mares or Geldings shall be occasionally let to Hire, or used in drawing for Hire or Profit, by such Person or Persons, for any other Purposes than of drawing any Carriage chargeable with Duty in respect of such Horses or Carriages, or of letting the same to Hire.

dry Horses to Hire, or drawing for Hire or Profit.

'VI. And Whereas Persons removing from their respective 'Dwelling Houses at any Time within the Year ending the Fifth 'Day of *April* One thousand eight hundred and twenty two, and 'occupying other Dwelling Houses to which they have not been as-'sessed for that Year, are required to deliver Statements of the 'Number of Windows, and the Value of the said Dwelling Houses, 'at which the same were respectively chargeable, in order to an 'Assessment for the Year commencing the Fifth Day of *April* One 'thousand eight hundred and twenty two, on the Amount whereof 'the Persons therein described are respectively authorized to com-'pound under the said first mentioned Act: And Whereas Doubts 'have arisen as to the Time at which such Statements were intended 'by the said Act to be delivered, and the Windows to be com-'prized therein;' Be it declared and further enacted, That the Windows to be returned in each such Statement were intended by the said last mentioned Act to be, and shall be, the same Number on which an Assessment hath been made, or might or ought to have been made thereon, if the same had been then occupied for the Year ending on the Fifth Day of *April* One thousand eight hundred and twenty two, according to the Laws relating to Assessed Taxes in force at the Time of making the said Act; and in all Cases where any Statement hath been delivered before the passing of this Act, containing a less Number of Windows than were chargeable on the Dwelling House mentioned therein on the Sixth Day of *April* One thousand eight hundred and twenty one, a new Statement shall be delivered within Two Calendar Months after the passing of this Act, conformable to the Declaration and Enactment before mentioned, and it shall be lawful for any Person or Persons before described, whether such Statements have been before delivered or not, to deliver such Statements within the said Period according to which Assessments shall be made on the Number of Windows comprized therein; and all Contracts of Composition made or to be made contrary to this Act, shall be void and of no effect: Provided, that the Commissioners who may have already executed any Contract of Composition upon Statements delivered contrary to this Act, may amend the same without executing new Contracts, by endorsing thereon the Number of additional Windows, Duty and Percentage, on every such Contract.

Statements required under former Act to authorise Compositions on Assessments to the House and Window Duty for 1822, in Cases of Removal, to contain the Number of Windows chargeable for 1821.

Contracts of Composition contrary to Act, void. Amending Contracts.

VII. And be it further enacted, That it shall be lawful for every Person competent to renew his, her or their Composition, or to compound under the said recited Act or this Act, to include in such Composition renewed or entered into respectively, the Duty in respect of any Clerk, or of any Steward, Bailiff, Overseer or Manager, or of any Male Person described in the Schedule of an Act passed in the Fifty second Year of the Reign of His late Majesty, and

Persons authorized to compound may include Stewards, Bailiffs, &c. and occasional Servants

employed in taxable Capacities.

in the said Act mentioned, marked (C.) No. 3., such Male Person being occasionally employed in any of the Capacities enumerated in the Schedule to the said Act marked (C.) No 1., as in the said Schedule No. 3. is described: Provided nevertheless, that the Composition of any such Person so renewing his, her or their former Composition, or compounding, shall contain the Duty for One such Servant chargeable in the said Schedule marked (C.) No. 1.; and it shall be lawful for the respective Commissioners to include such respective Articles herein allowed, or any of them, in such Composition respectively, on the same Terms as if the said Articles had been originally allowed to be compounded for by the said Act; and in Cases where Contracts shall have been entered into before the passing of this Act, it shall be lawful for the said respective Commissioners, and they are hereby authorized to amend the same, by causing the Amount of Composition for any of the Articles aforesaid to be certified by Endorsement on such Contract, under the Hands of any Two of such Commissioners; and the Sum so charged and added to the Amount of the said Composition in and by such Certificate, and to the Assessment thereof, shall and may be levied and recovered by the same Instalments, and in like manner as the Amount of Composition inserted in the Body of such Contract, and in addition thereto, any thing hereinbefore contained to the contrary notwithstanding.

Discontinuance of Composition with Persons employed abroad in the Public Service.

VIII. And be it further enacted, That if any Person, during the Continuance of his Composition under the said Act or this Act, shall, by reason of any Employment in the Public Service in the Execution of any Office, Military, Naval or Civil, be required and ordered to reside out of the United Kingdom, and such Person shall give Notice thereof to the Surveyor of the District in which such Composition shall be entered into, every such Composition shall cease and determine on the Fifth Day of *April* next after such Notice and the Time of such Absence and Removal from the said United Kingdom, on Payment of all Arrears due on such Contract up to the said Fifth Day of *April* last mentioned; and the Commissioners for the Affairs of Taxes shall cause the Discontinuance of such Contract to be certified to the Commissioners of the District in which it was made: Provided, that nothing herein contained shall exempt any such Person from his or their Liability to Assessment under the Acts relating to the Assessed Taxes for any Year or Years commencing from the Fifth Day of *April* last aforesaid, in respect of all or any Part of his Establishment continued to be kept and employed in the said United Kingdom for any Part of his Family, or from his Liability to Assessment under the said Acts, from and after the Fifth day of *April* next following the Discontinuance of such Employment in the Public Service, and his returning to and residing in the United Kingdom, to all Intents as if such Composition had not been entered into.

Certified to Commissioners of District.

Proviso.

Commissioners and other Officers appointed to execute the former Acts, to execute this Act.

IX. And be it further enacted, That the several and respective Commissioners acting in the Execution of the said Act shall be Commissioners for putting in Execution this Act, and the Powers herein referred to or contained, in all and every the respective Counties, Ridings, Divisions, Shires and Stewartries, Cities, Boroughs, Cinque Ports, Towns and Places in *Great Britain*; and the several Collectors, Surveyors, Inspectors, and Inspectors General

neral for the time being, appointed or to be appointed to put in Execution the said recited Act, shall respectively be Collectors, Surveyors, Inspectors and Inspectors General, to put in Execution this Act, within the Limits of their respective Divisions, Districts and Places to which they are or shall be appointed; and the said Commissioners and others before mentioned are hereby empowered and required to do and perform all things necessary for putting this Act in Execution, in the like and in as full and ample a manner as they or any of them are or is authorized to put in Execution the said Act; and all and every the Powers and Authorities, Methods, Rules, Directions, Penalties, Forfeitures, Clauses, Matters and Things contained or referred to in the said Act (except where such Provisions are varied, or other Provisions are substituted by this Act), shall, in collecting, levying and accounting for the said Compositions and Monies respectively, be severally and respectively duly observed, practised and put in Execution throughout *Great Britain*, in relation to all and every the Compositions, Duties and Monies aforesaid, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Methods, Rules, Directions, Penalties, Forfeitures, Clauses, Matters and Things were particularly repeated and re-enacted in the Body of this Act, and applied to all and every such Compositions, Duties and Monies aforesaid, as Part of the Provisions of this Act.

X. And be it further enacted, That this Act may be altered, amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be altered, &c. this Session.

SCHEDULE to which this Act refers.

NOTICE to be used by Persons not having increased their Establishment under former Compositions, and claiming, on Renewal, Exemption from the additional Duty of Five Pounds *per Centum*.

To Surveyor acting for the Parish of
in the Division of in the County of
and to the Commissioners acting for the said Division.

TAKE Notice, That I am [*or* we are] desirous of renewing former Composition for Assessed Taxes under the Powers, Conditions and Provisions of Two Acts, passed in the Second and Third Years of the Reign of King *George* the Fourth, and that do hereby declare, that have not at any Time during the Period of Composition, entered into with the Commissioners of the Division of in the County of , become chargeable on a greater Aggregate Amount of Duty, for the Whole of the Articles comprized in such Composition, than the Amount of Duty compounded for, whereby hereby claim Exemption, on such Renewal, from the additional Duty of Five Pounds *per Centum* by the said Acts granted; and that will attend to execute and receive the Contract of Composition when required by the said Commissioners.

Signed the Day of 182 .

Witness,

(Assessor or Collector of the said Parish.)

CAP. LI.

An Act for apportioning the Burthen occasioned by the Military and Naval Pensions and Civil Superannuations, by vesting an equal Annuity in Trustees for the Payment thereof.

[1st *July* 1822.]

' Most Gracious Sovereign,

' WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* ' in Parliament assembled, have taken into our Consideration the ' Burthen occasioned by the Military and Naval Pensions and Civil ' Superannuations, and the Benefit which may arise from apportion- ' ing the same into Annual equal Payments, have resolved, that for ' the Purpose of apportioning, conformably to the Resolutions of ' this House of the Third Day of *May* One thousand eight hundred ' and twenty two, the Burthen occasioned by the Military and Naval ' Pensions, and Civil Superannuations, it is expedient, that an equal ' Annuity of Two millions eight hundred thousand Pounds, termin- ' able at the End of Forty-five Years, should, from the Fifth Day ' of *April* One thousand eight hundred and twenty-two, be vested ' in Trustees to be named by Parliament, and that the said An- ' nuity should be charged upon the Consolidated Fund of the United ' Kingdom of *Great Britain* and *Ireland*; and have also resolved, ' that the said Trustees should pay into the Exchequer the several ' Annual Sums hereinafter mentioned, by Four equal Quarterly In- ' stalments, on or before the Fifteenth Day of *January*, the Fifteenth ' Day of *April*, the Fifteenth Day of *July*, and the Twentieth Day ' of *October*, the First Payment thereof to be made on the Twentieth ' Day of *October* One thousand eight hundred and twenty two:

' First Year, ending Fifteenth Day of *July* One thousand eight ' hundred and twenty three, Four millions nine hundred thou- ' sand Pounds:

' Second - - One thousand eight hundred and twenty four, ' Four millions seven hundred thousand Pounds:

' Third - - One thousand eight hundred and twenty five, ' Four millions five hundred and forty thou sand Pounds:

' Fourth - - One thousand eight hundred and twenty six, ' Four millions four hundred and ten thousand Pounds:

' Fifth - - One thousand eight hundred and twenty seven, ' Four millions two hundred and ninety thousand Pounds:

' Sixth - - One thousand eight hundred and twenty eight, ' Four millions one hundred and ten thousand Pounds:

' Seventh - - One thousand eight hundred and twenty nine, ' Four millions:

' Eighth - - One thousand eight hundred and thirty, Three ' millions eight hundred and sixty thousand Pounds:

' Ninth - - One thousand eight hundred and thirty one, ' Three millions seven hundred and twenty thousand Pounds:

' Tenth - - One thousand eight hundred and thirty two, ' Three millions five hundred and ninety thousand Pounds:

' Eleventh - - One thousand eight hundred and thirty three, ' Three millions four hundred and fifty thousand Pounds:

' Twelfth

'Twelfth - One thousand eight hundred and thirty four,
'Three millions three hundred and ten thousand Pounds:
'Thirteenth - One thousand eight hundred and thirty five,
'Three millions one hundred and eighty thousand Pounds:
'Fourteenth - One thousand eight hundred and thirty six,
'Three millions and fifty thousand Pounds:
'Fifteenth - One thousand eight hundred and thirty seven,
'Two millions nine hundred and ten thousand Pounds:
'Sixteenth - One thousand eight hundred and thirty eight
'Two millions seven hundred and ninety thousand Pounds:
'Seventeenth - One thousand eight hundred and thirty nine,
'Two millions six hundred and sixty thousand Pounds:
'Eighteenth - One thousand eight hundred and forty, Two
'millions five hundred and thirty thousand Pounds:
'Nineteenth - One thousand eight hundred and forty one, Two
'millions four hundred and ten thousand Pounds:
'Twentieth - One thousand eight hundred and forty two, Two
'millions two hundred and ninety thousand Pounds:
'Twenty first - One thousand eight hundred and forty three,
'Two millions one hundred and seventy thousand Pounds:
'Twenty second - One thousand eight hundred and forty four,
'Two millions and sixty thousand Pounds:
'Twenty third - One thousand eight hundred and forty five,
'One million nine hundred and fifty thousand Pounds:
'Twenty fourth - One thousand eight hundred and forty six, One
'million eight hundred and thirty thousand Pounds:
'Twenty fifth - One thousand eight hundred and forty seven,
'One million seven hundred and thirty thousand Pounds:
'Twenty sixth - One thousand eight hundred and forty eight,
'One million six hundred and thirty thousand Pounds:
'Twenty seventh - One thousand eight hundred and forty-nine,
'One million five hundred and thirty thousand Pounds:
'Twenty eighth - One thousand eight hundred and fifty, One
'million four hundred and thirty thousand Pounds:
'Twenty ninth - One thousand eight hundred and fifty one, One
'million three hundred and forty thousand Pounds:
'Thirtieth - One thousand eight hundred and fifty two, One
'million two hundred and fifty thousand Pounds:
'Thirty first - One thousand eight hundred and fifty three, One
'million one hundred and seventy thousand Pounds:
'Thirty second - One thousand eight hundred and fifty four, One
'million and eighty thousand Pounds:
'Thirty third - One thousand eight hundred and fifty five, One
'million:
'Thirty fourth - One thousand eight hundred and fifty six, Nine
'hundred and twenty thousand Pounds:
'Thirty fifth - One thousand eight hundred and fifty seven,
'Eight hundred and sixty thousand Pounds:
'Thirty sixth - One thousand eight hundred and fifty eight,
'Seven hundred and eighty thousand Pounds:
'Thirty seventh - One thousand eight hundred and fifty nine,
'Seven hundred and twenty thousand Pounds:
'Thirty eighth - One thousand eight hundred and sixty, Six
'hundred and sixty thousand Pounds:

'Thirty

'Thirty ninth - One thousand eight hundred and sixty one, Six hundred thousand Pounds:
'Fortieth - One thousand eight hundred and sixty two, Five hundred and forty thousand Pounds:
'Forty first - One thousand eight hundred and sixty three, Four hundred and ninety thousand Pounds:
'Forty second - One thousand eight hundred and sixty four, Four hundred and forty thousand Pounds:
'Forty third - One thousand eight hundred and sixty five, Three hundred and ninety thousand Pounds:
'Forty fourth - One thousand eight hundred and sixty six, Three hundred and fifty thousand Pounds:
'Forty fifth - One thousand eight hundred and sixty seven, Three hundred thousand Pounds:

'And that the said several Sums, or such Part thereof as may be necessary, should be appropriated and applied conformably to the said Resolutions; and have also resolved, that for the Purpose of enabling the said Trustees to make the several Payments hereinbefore mentioned, at the Exchequer, at the several Periods aforesaid, they should be empowered from time to time to sell and dispose of so much of the said Annuity as may be necessary for that Purpose; but so as that no greater Amount of Annuity should be sold or disposed of in any one Year than would be sufficient to raise the Sums necessary to complete the whole of the Payments to be made within the Year, or to replace any Advances which may have been made on account of such Pensions or Allowances, by the several Departments upon which the same may be respectively charged, or to discharge and pay off the Principal and Interest of any Exchequer Bills which may have been issued on account of such Payments; and have also resolved, that for the Purpose of enabling the said Trustees the more readily to provide the means necessary for making the said Payments in the most convenient and economical Manner, the Commissioners of His Majesty's Treasury should be empowered to direct the Payment of any of the said Pensions or Allowances out of any Monies granted by Parliament, or other Funds appropriated for the Service of the respective Departments upon which such Pensions or Allowances shall be charged, which Sums shall from time to time be replaced by the said Trustees out of any Monies which may be at their disposal, or to issue to the said Trustees Exchequer Bills to an Amount not exceeding the Sums necessary for completing, from time to time, the said Payments, which Exchequer Bills, together with the Interest thereupon, should from time to time be discharged and satisfied by the said Trustees out of any Monies to arise by the Sale of the said Annuities, or out of the Dividends thereof; and that until such Payment, the Interest accruing on such Exchequer Bills may be paid out of any Supplies voted by Parliament:' We, Your Majesty's most faithful Commons, do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Trustees for carrying this Act into Execution.

That the First Commissioner of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, the First Lord Commissioner of the Admiralty, the Chancellor of His Majesty's Exchequer, the Master General of the Ordnance, the Secretary at War, the Paymaster General of His Majesty's Forces, the Treasurer of the Navy and the Governor and Deputy Governor of the Bank of *England* respectively for the time being, shall be the Trustees for the Purpose of receiving the Annuity to be issued, paid and applied under the Provisions of this Act, and for carrying the Provisions and Purposes thereof into Execution.

Equal annual Annuity of 2,800,000l. for 45 Years to be issued to the Trustees for the Purposes of this Act.

II. And be it further enacted, That there shall be payable and paid, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Trustees, an equal Annuity of Two millions eight hundred thousand Pounds, for the Period of Forty five Years from and after the Fifth Day of *April* One thousand eight hundred and twenty two; and that such Annuity shall be issued and paid at the Exchequer out of the said Consolidated Fund in equal Half Yearly Payments on the Tenth Day of *October* and the Fifth Day of *April* in each Year respectively, during the said Period of Forty five Years, the first Payment to be made on the Tenth Day of *October* One thousand eight hundred and twenty two, and the last Payment to be made on the Fifth Day of *April* One thousand eight hundred and sixty seven, subject nevertheless to such Deduction of any such Part or Parts of the said Annuity as may from time to time be sold or disposed of by the said Trustees, for the Purposes of and under the Provisions of this Act, the Amount of which Parts or Proportions of the said Annuity so to be sold by the said Trustees shall, from time to time, before the same shall become payable, be issued from the Exchequer to the Cashier or Cashiers of the Governor and Company of the Bank of *England*, for the Benefit of the Purchasers of such Parts or Proportions of the said Annuity.

Annual Sums to be paid by the said Trustees into the Exchequer.

III. And be it further enacted, That the said Trustees shall, during the said Period of Forty five Years, pay into the Exchequer the several Annual Sums hereinafter mentioned, by Four equal Quarterly Instalments, on or before the Fifteenth Day of *January*, the Fifteenth Day of *April*, the Fifteenth Day of *July*, and the Twentieth Day of *October* in each Year respectively; *videlicet*,

For the First Year, ending the Fifteenth Day of *July* One thousand eight hundred and twenty three, Four million nine hundred thousand Pounds:

For the Second Year, ending the Fifteenth Day of *July* One thousand eight hundred and twenty four, Four million seven hundred thousand Pounds:

For the Third Year, ending the Fifteenth Day of *July* One thousand eight hundred and twenty five, Four million five hundred and forty thousand Pounds:

For the Fourth Year, ending the Fifteenth Day of *July* One thousand eight hundred and twenty six, Four million four hundred and ten thousand Pounds:

For the Fifth Year, ending the Fifteenth Day of *July* One thousand eight hundred and twenty seven, Four million two hundred and ninety thousand Pounds:

For

For the Sixth Year, ending the Fifteenth Day of *July* One thousand eight hundred and twenty eight, Four million one hundred and ten thousand Pounds:

For the Seventh Year, ending the Fifteenth Day of *July* One thousand eight hundred and twenty nine, Four million:

For the Eighth Year, ending the Fifteenth Day of *July* One thousand eight hundred and thirty, Three million eight hundred and sixty thousand Pounds:

For the Ninth Year, ending the Fifteenth Day of *July* One thousand eight hundred and thirty one, Three million seven hundred and twenty thousand Pounds:

For the Tenth Year, ending the Fifteenth Day of *July* One thousand eight hundred and thirty two, Three million five hundred and ninety thousand Pounds:

For the Eleventh Year, ending the Fifteenth Day of *July* One thousand eight hundred and thirty three, Three million four hundred and fifty thousand Pounds:

For the Twelfth Year, ending the Fifteenth Day of *July* One thousand eight hundred and thirty four, Three million three hundred and ten thousand Pounds:

For the Thirteenth Year, ending the Fifteenth Day of *July* One thousand eight hundred and thirty five, Three million one hundred and eighty thousand Pounds:

For the Fourteenth Year, ending the Fifteenth Day of *July* One thousand eight hundred and thirty six, Three million and fifty thousand Pounds:

For the Fifteenth Year, ending the Fifteenth Day of *July* One thousand eight hundred and thirty seven, Two million nine hundred and ten thousand Pounds:

For the Sixteenth Year, ending the Fifteenth Day of *July* One thousand eight hundred and thirty eight, Two million seven hundred and ninety thousand Pounds:

For the Seventeenth Year, ending the Fifteenth Day of *July* One thousand eight hundred and thirty nine, Two million six hundred and sixty thousand Pounds:

For the Eighteenth Year, ending the Fifteenth Day of *July* One thousand eight hundred and forty, Two million five hundred and thirty thousand Pounds:

For the Nineteenth Year, ending the Fifteenth Day of *July* One thousand eight hundred and forty one, Two million four hundred and ten thousand Pounds:

For the Twentieth Year, ending the Fifteenth Day of *July* One thousand eight hundred and forty two, Two million two hundred and ninety thousand Pounds:

For the Twenty first Year, ending the Fifteenth Day of *July* One thousand eight hundred and forty three, Two million one hundred and seventy thousand Pounds:

For the Twenty second Year, ending the Fifteenth Day of *July* One thousand eight hundred and forty four, Two million and sixty thousand Pounds:

For the Twenty third Year, ending the Fifteenth Day of *July* One thousand eight hundred and forty five, One million nine hundred and fifty thousand Pounds:

For the Twenty fourth Year, ending the Fifteenth of *July* One thousand eight hundred and forty six, One million eight hundred and thirty thousand Pounds:

For the Twenty fifth Year, ending the Fifteenth Day of *July* One thousand eight hundred and Forty seven, One million seven hundred and thirty thousand Pounds:

For the Twenty sixth Year, ending the Fifteenth Day of *July* One thousand eight hundred and Forty eight, One million six hundred and thirty thousand Pounds:

For the Twenty seventh Year, ending the Fifteenth Day of *July* One thousand eight hundred and forty nine, One million five hundred and thirty thousand Pounds:

For the Twenty eighth Year, ending the Fifteenth Day of *July* One thousand eight hundred and fifty, One million four hundred and thirty thousand Pounds:

For the Twenty ninth Year, ending the Fifteenth Day of *July* One thousand eight hundred and fifty one, One million three hundred and forty thousand Pounds:

For the Thirtieth Year, ending the Fifteenth Day of *July* One thousand eight hundred and fifty two, One million two hundred and fifty thousand Pounds:

For the Thirty first Year, ending the Fifteenth Day of *July* One thousand eight hundred and fifty three, One million one hundred and seventy thousand Pounds:

For the Thirty second Year, ending the Fifteenth Day of *July* One thousand eight hundred and fifty four, One million and eighty thousand Pounds:

For the Thirty third Year, ending the Fifteenth Day of *July* One thousand eight hundred and fifty five, One million:

For the Thirty fourth Year, ending the Fifteenth Day of *July* One thousand eight hundred and fifty six, Nine hundred and twenty thousand Pounds:

For the Thirty fifth Year, ending the Fifteenth Day of *July* One thousand eight hundred and fifty seven, Eight hundred and sixty thousand Pounds:

For the Thirty sixth Year, ending the Fifteenth Day of *July* One thousand eight hundred and fifty eight, Seven hundred and eighty thousand Pounds:

For the Thirty seventh Year, ending the Fifteenth Day of *July* One thousand eight hundred and fifty nine, Seven hundred and twenty thousand Pounds:

For the Thirty eighth Year, ending the Fifteenth Day of *July* One thousand eight hundred and sixty, Six hundred and sixty thousand Pounds:

For the Thirty ninth Year, ending the Fifteenth Day of *July* One thousand eight hundred and sixty one, Six hundred thousand Pounds:

For the Fortieth Year, ending the Fifteenth Day of *July* One thousand eight hundred and sixty two, Five hundred and forty thousand Pounds:

For the Forty first Year, ending the Fifteenth Day of *July* One thousand eight hundred and sixty three, Four hundred and ninety thousand Pounds:

For the Forty second Year, ending the Fifteenth Day of *July* One thousand

thousand eight hundred and sixty four, Four hundred and forty thousand Pounds:

For the Forty third Year, ending the Fifteenth Day of *July* One thousand eight hundred and sixty five, Three hundred and ninety thousand Pounds:

For the Forty fourth Year, ending the Fifteenth Day of *July* One thousand eight hundred and sixty six, Three hundred and fifty thousand Pounds:

For the Forty fifth Year, ending the Fifteenth Day of *July* One thousand eight hundred and sixty seven, Three hundred thousand Pounds.

Trustees empowered to sell Proportions of Annuity, to make Payments into Exchequer. Proviso for Amount to be sold.

IV. And be it further enacted, That for the Purpose of enabling the said Trustees to make the several Payments hereinbefore mentioned into the Exchequer at the several Periods aforesaid, it shall be lawful for the said Trustees, and they are hereby authorized and empowered from time to time to sell and dispose of so much of the said Annuity as may be necessary for that Purpose, but so as that no greater Amount of Annuity shall be sold or disposed of in any One Year than shall be sufficient to raise the Sums necessary to complete the whole of the Payments to be made within the Year, or to replace any Advances which may have been made on account of such Pensions or Allowances by the several Departments upon which the same may be respectively charged, or to discharge the principal Amount, and of any Interest which may have accrued thereon, of any Exchequer Bills which may have been issued to the said Commissioners for the Purpose of enabling them to make their Payments, for the Purposes of or under the Provisions of this Act.

A Certificate of Purchase of Proportion of Annuity to be given to Purchaser, who shall be entitled to such Proportion of Annuity on Production of such Certificate to the Bank; and may sell the same.

V. And be it further enacted, That upon the Sale of any Part or Proportion of the said Annuity, by or on behalf of the said Trustees, a Certificate signed by any Three or more of the said Trustees shall be given to the Purchaser or Purchasers, specifying the Part or Proportion of the said Annuity so sold as aforesaid, and the Name, Residence and the Description of the Purchaser or Purchasers thereof; and upon the Production of such Certificate to the Accountant General of the Governor and Company of the Bank of *England*, he shall thereupon cause the Part or Proportion of the said Annuity mentioned in such Certificate to be entered in a proper Book to be kept for that Purpose by the said Governor and Company, to the Account or Credit of such Purchaser or Purchasers, who shall thereupon be entitled to receive the same Part or Proportion of the said Annuity when and as the same shall become due and payable under and by virtue of this Act, and shall be at liberty to sell and dispose thereof, or of any Part or Parts thereof, and to transfer and assign the same in such manner as is hereinafter provided; and the said Trustees, or any Three or more of them, when and as often as they shall sell any Part or Parts, Portion or Portions of the said Annuity under or by virtue of the Authority for that Purpose hereinbefore contained, shall and will forthwith transmit to the said Accountant General of the said Governor and Company, an Account of such Sale or Sales, with the Amount of the Part or Parts, Portion or Portions of the said Annuity so sold as aforesaid, and the Name or Names, Residence,

dence and Description of the Person or Persons to whom the same shall be sold.

Payment of Pensions may be directed, or Exchequer Bills issued by the Treasury to the Trustees, to enable them to make Payments.

VI. And be it further enacted, That for the Purpose of enabling the said Trustees the more readily to provide the Means necessary for making the said Payments in the most convenient and economical Manner, it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the time being, or any Three or more of them, and they are hereby authorized and empowered, from time to time, to direct the Payment of any of the said Pensions or Allowances out of any Monies granted by Parliament, or other Funds appropriated for the Service of the respective Departments upon which such Pensions or Allowances shall be charged, which Sums shall from time to time be replaced by the said Trustees out of any Monies which may be at their Disposal; and it shall be lawful for the said Commissioners of the Treasury for the time being, or any Three or more of them, to issue to the said Trustees any Exchequer Bills which the said Commissioners of the Treasury may at any time, from time to time, be authorized or empowered to issue, under any Act or Acts of Parliament relating to any such Exchequer Bills: Provided always, that the Amount of any Exchequer Bills so to be issued to the said Trustees, shall not in any case exceed the Amount of the Sum or Sums necessary for completing the Payments required to be made by the said Trustees under the Provisions of this Act, and which Exchequer Bills, together with the Interest thereupon, shall from time to time be discharged and satisfied by the said Trustees out of any Monies to arise out of the said Annuities, or any Part or Proportion thereof, by the Sale of any Part or Proportion of the said Annuities; and the said Trustees are hereby required to pay into the Exchequer from time to time, as they may from time to time be directed by any Order signed by the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, such Sum or Sums of Money as may be equal to the Principal Amount of any such Exchequer Bills so issued, with any Interest which may have accrued thereon from the Date of the then Issue respectively, and the Sums so paid into the Exchequer shall be issued and applied under the Directions of the Lord High Treasurer, or the Commissioners of the Treasury, or any Three or more of them for the time being, in discharge of the said Exchequer Bills, or in Satisfaction of any Aids or Supplies granted by Parliament to which the said Bills would have been applicable.

Amount of Exchequer Bills and Interest to be paid by Trustees into the Exchequer.

Trustees to return to Treasury Quarterly Account of Amount of Annuity sold. Duplicate transmitted to Exchequer, and Amount paid to Bank for Purchasers.

VII. And be it further enacted, That the said Trustees shall, at the Expiration of every Quarter of every Year in which they shall sell or dispose of any Part or Proportion of the said Annuity for the Purposes of and under the Provisions of this Act, transmit to the Lords Commissioners of His Majesty's Treasury, an Account of the Amount of Annuity so sold in the Quarter in which such Annuity shall have been so sold and disposed of, and a Duplicate thereof shall in every such case be transmitted to the Exchequer, and the Amount of the Annuity so sold shall thereafter be issued to the Principal Cashier of the Bank of *England*, instead of the Trustees, in order to enable the Purchasers of such Annuity to receive the Amount thereof at the Bank of *England*;

and the whole of the said Annuity which shall from time to time be sold, shall be entered in the Books of the said Governor and Company, and shall for the Remainder of the said Term of Forty five Years, form One Consolidated Annuity, transferable in the said Books.

Three Trustees may act.

VIII. And be it further enacted, That all Acts, Matters and Things to be done in pursuance of this Act, shall and may be done and executed by any Three or more of the said Trustees; and all Acts, Matters and Things, when so done, shall be as good, valid and effectual, as if the same had been done by all the said Trustees.

Purchasers to have their Annuity free from Taxes.

IX. And be it further enacted, That the Purchasers of any Part or Proportion of the said Annuity and their respective Executors, Administrators, Successors and Assigns, shall have, receive and enjoy, and be entitled by virtue of this Act, to have, receive and enjoy, their proportionable Share of the Annuities by this Act granted in respect of the Purchases so made by them respectively, and shall have good and sure Interests and Estates therein; and that all the Annuities by this Act granted shall be free from all Taxes, Charges and Impositions whatsoever.

Annuity transferable by Purchasers at the Bank.

X. And be it further enacted, That all such Purchasers of any Part or Proportion of such Annuities, their Executors, Administrators and Assigns, shall be entitled to have the Amount of Annuity so purchased, entered in the Books of the Bank of *England*, placed to the Credit of such respective Purchasers, their Executors, Administrators, Successors and Assigns, and shall and may have Power to assign and transfer the same, or any Part, Share or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, in the Books of the Bank of *England*, and the Part, Share or Proportion of the said Annuity which shall from time to time be sold, shall be taken and deemed to be One Consolidated Annuity, transferable according to the true Intent and Meaning of this Act, in Parts, Shares or Proportions, at the Bank of *England*, by the Holders thereof.

Commissioners for National Debt may purchase Annuity of 2,800,000l. created by this Act, and other Annuities.

XI. And be it further enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt, from time to time, if they shall think it expedient, to apply any of the Monies which shall be placed to their Account towards the Purchase of the Whole or any Part or Proportion of the said Annuity of Two million eight hundred thousand Pounds, created by this Act, terminable at the End of Forty five Years, and also of any other terminable Annuity created by any Act or Acts of Parliament; and such Commissioners shall apply the Annuity so purchased, and thereafter paid to them, in like manner as they are authorized, empowered and required to appropriate and apply any other Monies issued to them as such Commissioners for the Reduction of the National Debt.

Bank to appoint Accountant General and Cashiers.

XII. And for the more easy and sure Payment of the Annuity established by this Act, be it further enacted, That the Governor and Company of the Bank of *England*, and their Successors, shall from time to time, during the Continuance of the said Annuity, and until the said Annuity for the certain Term of Forty five Years shall be determined, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London*, to be

be their Chief or First Cashier or Cashiers, and One other sufficient Person, within the same Office, to be their Accountant General; and that Monies sufficient from time to time to answer the said Annuity shall, by Order of the Commissioners of the Treasury, or any Three or more of them, or the High Treasurer for the time being, without any further or other Warrant to be sued for, had and obtained in that Behalf, from time to time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the said Receipt of Exchequer, out of the Consolidated Fund, to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the time being, by way of Imprest and upon Account for the Payment of the said Annuity; and that such Cashier or Cashiers to whom the said Money shall from time to time be issued, shall from time to time without Delay pay the same accordingly, and render his or their Accounts thereof according to the due Course of the Exchequer.

Money to be issued to the Bank to pay the Annuities sold to Purchasers.

Cashiers to Account.

XIII. And be it further enacted, That the said Accountant General for the time being shall from time to time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence or Delay; and that all Persons who shall be entitled to any Part, Share or Proportion of the said Annuity, and all Persons lawfully claiming under them, shall be possessed thereof as of Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise; any Law, Statute or Custom to the contrary notwithstanding.

Accountant General to inspect Vouchers, &c.

Annuity Personal Estate.

XIV. And be it further enacted, That Books shall be constantly kept by the said Accountant General for the time being, wherein all Assignments or Transfers of any Parts or Proportions of such Annuities which may from time to time be sold by the said Trustees, and purchased, shall at all seasonable times be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent, by their respective Attorney or Attornies thereunto lawfully authorized, in *Writing*, under his or their Hand and Seal, or Hands and Seals, to be attested by Two or more credible Witnesses; and that the several Persons to whom such transfer shall be made, shall respectively underwrite their Acceptance thereof; and that no other Method of assigning and transferring the said Annuity, or any Part thereof, or any Interest therein, shall be good or available in Law.

Books kept at the Bank for entering Transfers of Parts of Annuity sold or transferred.

XV. And be it further enacted, That if any Person or Persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the Whole of or any Part or Parts of any Share or Proportion of the said Annuity, or any Certificate or Certificates of any Three or more of the said Trustees, by this Act directed to be given of or respecting the Sale of any Part or Proportion of the said Annuity, either with or without the Name or Names of any Person or Persons being inserted in such Receipt or Receipts, Certificate or Certificates, as the Purchaser thereof, or of any Part or Parts thereof, or shall alter any Number,

Counterfeiting Receipts or Certificates for Annuity.

Figure or Word in such Receipt or Receipts, Certificate or Certificates, or utter or publish as true any such false, forged, counterfeited or altered Receipt or Receipts, Certificate or Certificates, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

Death.

Annuity Devisable by Will.

XVI. Provided also, and be it further enacted, That all Persons possessed of any Share or Interest in the said Annuity, or any Estate or Interest therein, may devise the same by Will, in Writing, attested by Two or more credible Witnesses; but that no Payment shall be made upon any such Devise, till so much of the said Will as relates to such Share, Estate or Interest in the said Annuity, be entered in the said Office; and that in Default of such Transfer or Devise, such Share, Estate or Interest in the said Annuity shall go to the Executors, Administrators, Successors and Assigns; and that no Stamp Duties whatsoever shall be charged on any of the said Transfers; any Law or Statute to the contrary notwithstanding.

Treasury to issue Money for incidental Expences.

XVII. Provided always, and be it enacted, That any Three or more of the said Commissioners of the Treasury, or the High Treasurer for the time being, shall have Power, out of any Monies in the Exchequer granted by Parliament towards Aids and Supplies, to discharge all such incident Charges as shall necessarily attend the Execution of this Act, in such manner as to them shall seem just and reasonable.

Bank to continue a Corporation for this Act until Annuity paid off.

XVIII. Provided always, and be it further enacted, That the said Governor and Company of the Bank of *England* and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same, or any of them, shall continue a Corporation for the Purposes of this Act, until the Annuity payable under the Provisions of this Act shall be determined; and that the said Governor and Company of the Bank of *England*, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

No Fee.

XIX. And be it further enacted, That no Fee, Reward or Gratuity whatsoever, shall be demanded or taken of any of His Majesty's Subjects, for issuing the Monies for paying the said Annuity, or for any Transfer of any Part, Share or Proportion of such Annuity, great or small, to be made in pursuance of this Act, upon Pain that any Offender or Person offending, by taking or demanding any such Fee or Reward, shall forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered by Action of Debt, Bill, Plaint or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege or Wager of Law, Injunction or Order of Restraint, or more than One Imparlance, shall be granted or allowed.

Penalty, 20*l*.

[*The Amount of the Annual Charge created by this Act stated and provided for, see Cap.* 68. *post.*]

CAP. LII.

CAP. LII.

An Act to grant certain Duties, in Scotland, upon Wash and Spirits made from Corn or Grain, and upon Licences for making and keeping of Stills; and to regulate the Distillation of such Spirits for Home Consumption; and for better preventing private Distillation in Scotland, until the Tenth Day of November One thousand eight hundred and twenty four. [5th *July* 1822.]

'WHEREAS the Regulations for the Extraction, Manufacture, Distillation, Rectification and Compounding of Spirits for Home Consumption in *Scotland*, having become numerous and complicated, and it being for the Public Benefit to consolidate and simplify the same, and to abolish all Distinctions, Limitations and Restrictions between the Highland and Lowland and intermediate Districts in *Scotland*, as described in any Act or Acts relating to the Distilleries in *Scotland*: And Whereas an Act was made in the First Year of the Reign of His present Majesty, intituled *An Act to grant certain Duties, in* Scotland, *upon Wash and Spirits made from Corn or Grain, and upon Licences for making and keeping of Stills; and to consolidate and amend the Laws for the Distillation of such Spirits for Home Consumption, and for better preventing private Distillation in* Scotland: And Whereas the Duties in *Scotland* upon Wort, Wash and Spirits, and Distillers' Licences granted by the said recited Act, will expire on the Tenth Day of *November* One thousand eight hundred and twenty two, and it is expedient that the same, and the Regulations made by the said recited Act, should be continued, with certain Alterations pointed out by Experience:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *November* One thousand eight hundred and twenty two, there shall be raised, levied, collected and paid unto His Majesty, His Heirs and Successors, the several Duties of Excise hereinafter mentioned; that is to say,

1 G. 4. c. 74.

From 10th Nov. 1822, Duties hereinmentioned shall be levied.

For every Gallon of Wort or Wash, brewed or made in any Part or Place in *Scotland*, from any Malt, Corn, Grain or Tilts, or any Mixture with the same, for extracting Spirits for Consumption in *Scotland*:

Duties on Wo and Wash fro Corn.

Where such Wort or Wash, before any Fermentation is produced or excited, shall be of a Gravity not exceeding Eighty one, as indicated by *Allan*'s Saccharometer, the Sum of Eight Pence Halfpenny:

Where such Wort or Wash, before any Fermentation is produced or excited, shall be of a Gravity not exceeding Seventy five, as indicated by the said Saccharometer, the Sum of Eight Pence:

Where such Wort or Wash, before any Fermentation is produced or excited, shall be of a Gravity not exceeding Seventy, as indicated by the said Saccharometer, the Sum of Seven Pence Halfpenny:

Where such Wort or Wash, before any Fermentation is produced or excited, shall be of a Gravity not exceeding Sixty five, as indicated by the said Saccharometer, the Sum of Seven Pence:

Where such Wort or Wash, before any Fermentation is produced or excited, shall be of a Gravity not exceeding Sixty, as indicated by the said Saccharometer, the Sum of Six Pence Halfpenny.

Duties on Spirits per Gallon, at 7 per Cent. over Proof, for Consumption in Scotland.

For every Gallon of Spirits of the Strength of Seven *per Centum* above Proof, as denoted by the Hydrometer called *Sikes*'s Hydrometer, which shall be distilled in any Part or Place in *Scotland*, for Consumption in *Scotland*, from any Wort or Wash brewed from Malt, Corn, Grain or Tilts, or any Mixture therewith, of a Gravity not exceeding Eighty one, as indicated by *Allan*'s Saccharometer, the Sum of Nine Pence Halfpenny.

For every Gallon of such Spirits of the Strength aforesaid, which shall be distilled from any such Wort or Wash, of a Gravity not exceeding Seventy five, as indicated by the said Saccharometer, the Sum of Nine Pence.

For every Gallon of such Spirits of the Strength aforesaid, which shall be distilled from any such Wort or Wash, of a Gravity not exceeding Seventy, as indicated by the said Saccharometer, the Sum of Eight Pence Halfpenny.

For every Gallon of such Spirits of the Strength aforesaid, which shall be distilled from any such Wort or Wash, of a Gravity not exceeding Sixty five, the Sum of Seven Pence Three Farthings.

For every Gallon of such Spirits of the Strength aforesaid, which shall be distilled from any such Wort or Wash, of a Gravity not exceeding Sixty, the Sum of Seven Pence.

And so in Proportion according to any higher or lower degree of the Strength of all such Spirits respectively.

The said Duties to be paid by the respective Makers or Distillers of such Wort or Wash respectively.

On Licences to Distillers, 10l.;

For every Licence to be taken out by any Distiller or Maker of Low Wines or Spirits, in any Part or Place in *Scotland*, whether for Sale therein or for Exportation therefrom, the Sum of Ten Pounds.

to Rectifiers, 5l.;

For every Licence to be taken out by any Rectifier or Compounder of Spirits, in any Part or Place in *Scotland*, the Sum of Five Pounds.

to Makers of Stills, 10s.;

For every Licence to be taken out by any Person to make any Still in *Scotland*, the Sum of Ten Shillings.

to Chemists, &c. 10s.

For every Licence to be taken out by any Person, not being a Distiller, Rectifier or Compounder of Spirits, to keep and use any Still for the carrying on the Trade of a Chemist, or any other Trade or Business requiring the Use of a Still or Stills, the Sum of Ten Shillings.

The said Duties for Licences to be paid by the respective Distillers, Rectifiers, Compounders, Makers of Stills, Chemists and other Persons taking out such Licences respectively.

Duties under Management of Commission-

II. And be it further enacted, That the several Duties by this Act imposed shall be under the Management of the Commissioners of Excise in *Scotland* for the time being, and shall (except as is herein

herein otherwise directed or provided) be raised, collected, recovered, secured and paid by such Persons, at such Times and in such Manner, and by such Ways and Means, as are hereinafter directed and set forth, and under such Management, and under and subject to such Rules, Regulations, Conditions, Penalties and Forfeitures, and with such Powers of adjudging and mitigating Penalties and Forfeitures, and with and subject to such Powers, and to the like Rules and Directions, and by such Methods, and in such Manner and Form, and in or by any of the general or special Means, Ways or Methods, by which other Duties of Excise may be raised, collected, recovered and paid, as fully and effectually, to all Intents and Purposes, as if the same were particularly repeated and re-enacted in the Body of this Act, except only as far as the same are specially altered or repealed by this Act.

ers of Excise; and to be levied under this Act and former Excise Laws.

III. And be it further enacted, That all the Monies arising from the Duties by this Act imposed (the necessary Charges of raising and accounting for the same excepted,) shall from time to time be paid into the Receipt of His Majesty's Exchequer at *Westminster*, and shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Duties carried to Consolidated Fund.

IV. And be it further enacted, That upon and after the said Tenth Day of *November* One thousand eight hundred and twenty two, every Distiller for Home Consumption in *Scotland* shall be charged with and shall pay the Duties on Wort or Wash granted by this Act, at and after the several Rates following, so that every Gallon of Spirits of the Strength of Seven *per Cent.* above Hydrometer Proof, produced from such Wort or Wash, shall be charged with and shall pay the several Sums hereafter mentioned, in respect of the Wort or Wash from which such Spirit shall be produced; that is to say, that every Distiller who shall be licensed to distil Spirits from Wort or Wash of a Gravity not exceeding Eighty one, shall be charged with and shall pay the Sum of Four Shillings and Eight Pence Halfpenny *per* Gallon, for Fifteen Gallons of Spirits of the Strength of Seven *per Cent.* above Hydrometer Proof as aforesaid, in respect of every One hundred Gallons of such Wort or Wash, prepared or made in the Distillery of such Distiller from Malt, Corn, Grain or Tilts, or any Mixture with the same; that every Distiller who shall be licensed to distil Spirits from Wort or Wash of a Gravity not exceeding Seventy five, shall be charged with and shall pay the Sum of Four Shillings and Nine Pence *per* Gallon for Fourteen Gallons of Spirits of the Strength aforesaid, in respect of every One hundred Gallons of such Wort or Wash; that every Distiller, who shall be licensed to distil Spirits from Wort or Wash of a Gravity not exceeding Seventy, shall be charged with and shall pay the Sum of Four Shillings and Nine Pence Halfpenny *per* Gallon, for Thirteen Gallons of Spirits of the Strength aforesaid, in respect of every One hundred Gallons of such Wort or Wash; and that every Distiller who shall be licensed to distil Spirits from Wort or Wash of a Gravity not exceeding Sixty five, shall be charged with and shall pay the Sum of Four Shillings and Ten Pence Farthing *per* Gallon, for Twelve Gallons of Spirits of the Strength aforesaid, in respect of every One hundred Gallons of such Wort or Wash; and that every Distiller who shall be licensed to distil Spirits from Wort or Wash of a gravity not exceeding

Mode of charging Distillers from Wash, so as to produce 4s. 8½d. per Gallon on Spirits herein described.

4s. 9d. per Gallon.

4s. 10¼d. per Gallon.

4s. 10d. per Gallon.

ceeding Sixty, shall be charged with and pay the Sum of Four Shillings and Ten Pence *per* Gallon, for Eleven Gallons of Spirits of the Strength aforesaid, in respect of every One hundred Gallons of such Wort or Wash; and that if any Quantity of Spirits exceeding the several Proportions aforesaid, shall be extracted, made, distilled or produced in the Distillery of any such Distiller respectively, from any Wort or Wash in the Distillery of such Distiller, during the Continuance of the Licence of such Distiller, or during any Period of such Licence as such Distiller shall continue working, every such Distiller shall for every Gallon of such Spirits exceeding the several Proportions aforesaid respectively, computed at such Strength as aforesaid, be charged with and shall pay such Sum of Four Shillings and Eight Pence Halfpenny, Four Shillings and Nine Pence, Four Shillings and Nine Pence Halfpenny, Four Shillings and Ten Pence Farthing, or Four Shillings and Eleven Pence respectively, according to the Gravity of the Wort or Wash from which such Spirits shall have been respectively distilled as aforesaid, over and above the Duty of Excise of Nine Pence Halfpenny, Nine Pence, Eight Pence Halfpenny, Seven Pence Three Farthings or Seven Pence respectively, chargeable on every Gallon of such Spirits respectively under this Act.

Like Charge on all Excess of Spirits beyond the Proportions herein mentioned.

Distillers not to use Wash beyond the Gravity herein mentioned.

V. Provided always, and be it enacted, That it shall not be lawful for any Distiller, who shall be licensed to distil Spirits from Wort or Wash of a Gravity not exceeding Eighty one, to make or use in his Distillery during the Continuance of his Licence, any Wort or Wash of a Gravity greater than Eighty one by *Allan's* Saccharometer; nor for any Distiller who shall be licensed to distil Spirits from Wort or Wash of a Gravity not exceeding Seventy five, to make or use in his Distillery during the Continuance of his Licence, any Wort or Wash of a Gravity greater than Seventy five by the said Saccharometer; nor for any Distiller who shall be licensed to distil Spirits from Wort or Wash of a Gravity not exceeding Seventy, to make or use in his Distillery during the Continuance of his Licence, any Wort or Wash of a Gravity greater than Seventy by the said Saccharometer; nor for any Distiller who shall be licensed to distil Spirits from Wort or Wash of a Gravity not exceeding Sixty five, to make or use in his Distillery during the Continuance of his Licence, any Wort or Wash of a Gravity greater than Sixty five by the said Saccharometer; nor for any Distiller who shall be licensed to distil Spirits from Wort or Wash of a Gravity not exceeding Sixty, to make or use in his Distillery during the Continuance of his Licence, any Wort or Wash of a Gravity greater than Sixty by the said Saccharometer; and that if at any time after any Declaration made by any Distiller of the Gravity of such Wort or Wash, pursuant to the Directions in this Act contained, any Wort or Wash shall be found in the Distillery of any such Distiller respectively, of a Gravity greater than that which is hereinbefore respectively specified, as applicable to the Wort or Wash of any such Distiller, and which shall be declared by such Distiller respectively; every such Distiller in whose Distillery such Wort or Wash shall be found, shall forfeit the Sum of Five hundred Pounds.

Wort found of a greater Gravity,

Penalty 500l.

Treasury may prohibit Distil-

VI. Provided further, and be it enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United

United Kingdom of *Great Britain* and *Ireland*, or any Three of them for the time being, and they are hereby authorized and empowered, by a Warrant under their Hands, if it shall appear to them expedient so to do, to prohibit from and after such Day as shall be mentioned in such Warrant, and during such Period as shall be specified in such Warrant, the granting of any Licence to any Distiller for Home Consumption in *Scotland*, to distil Spirits from Wort or Wash of a Gravity less than Sixty five, as indicated by the said Saccharometer; and in such case, from and after the Day mentioned in such Warrant, and during the Period specified in such Warrant, it shall not be lawful for any Distiller for Home Consumption in *Scotland* to distil Spirits from Wort or Wash of a Gravity less than Sixty five, as indicated by the said Saccharometer: Provided nevertheless, that it shall and may be lawful for any Distiller to whom a Licence may have been previously granted to distil Spirits from Wort or Wash of a Gravity not exceeding Sixty, as indicated by the said Saccharometer, to continue to distil Spirits from Wort or Wash of such lastmentioned Gravity during the Continuance of such Licence.

lation of Spirits from Wash of a Gravity less than 65.

Licences for distilling Spirits from Wash of a Gravity not exceeding 60 to continue.

VII. And be it further enacted, That from and after the said Tenth Day of *November* One thousand eight hundred and twenty two, it shall not be lawful for any Person or Persons whatever, in any Part of *Scotland*, by him, her or themselves, or by any other Person or Persons whomsoever employed by him, her or them, or for his, her or their Benefit, either publicly or privately, to prepare or make any Wort or Wash from any Sort of material whatsoever, or to employ or work any Still or Stills for the making or manufacturing of Low Wines or Spirits, or for the rectifying or compounding of Spirits, without having first taken out a Licence for that Purpose in Manner hereinafter mentioned, for which Licence the Person requiring the same shall, immediately upon taking out thereof, pay down the Sum or Sums of Money respectively hereinbefore mentioned; and that such Licences as shall be taken out within the Limits of the City of *Edinburgh*, shall be granted under the Hands and Seals of any Two or more of the Commissioners of Excise in *Scotland* for the time being, or of such Person or Persons as the said Commissioners of Excise shall from time to time appoint for that Purpose; and the several and respective Duties for the same shall be paid at the Chief Office of Excise in *Edinburgh*; and such Licences as shall be taken out in any other Part of *Scotland* beyond the Limits aforesaid, shall be granted under the Hands and Seals of the several Collectors and Supervisors of Excise within their respective Collections and Districts; and the several and respective Duties for the same shall be paid to the Collector of Excise within whose Collection any such Licence shall be granted respectively; and such Commissioners of Excise, and the Persons so to be appointed by them, and also all such Collectors respectively, are hereby respectively authorized and required to grant and deliver such Licences to the Person who shall apply for the same, being entitled to receive such Licences in the Manner and under the Rules and Regulations required by this Act, and upon their Payment of the said several and respective Duties hereinbefore mentioned.

No Person to prepare or make Wort or Wash, or employ or work Still without first taking out a Licence as herein mentioned.

Who are to grant Licences.

VIII. And be it further enacted, That every Licence for the distilling of Spirits for Home Consumption in *Scotland* shall and may be

Licences to expire on 9th

of November in every Year.

be granted on the First Day of *November*, or on any Day after the First Day of *November* and before the Tenth Day of *November* in any Year, beginning with the First Day of *November* next, or on the Tenth Day of *February*, or on the Tenth Day of *May*, or on the Tenth Day of *August*, in any Year: Provided always, that any such Licence granted on the First Day of *November*, or after the First Day of *November* and before the Tenth Day of *November*, in any Year, shall expire on the Ninth Day of *November* in the subsequent Year; and any such Licence granted on the Tenth Day of *February*, or the Tenth Day of *May*, or the Tenth Day of *August*, in any Year, shall expire on the Ninth Day of *November* following the Date of such Licence respectively; and that every Licence for the distilling of Spirits for Exportation shall be granted at such Times, and shall continue for such Periods, as are required or directed with respect to such Licences by any Act or Acts in force immediately before the passing of this Act.

Licences to be renewed annually.

IX. And be it further enacted, That it shall not be lawful for any Person having obtained any Licence under this Act, to continue to prepare or make any Wort or Wash, or to distil, rectify or compound any Spirits, or to make or use any Still as hereinbefore mentioned, after the Expiration of such Licence, until such Person shall have obtained a new Licence, paying down the like Sum for each and every new or renewed Licence, as is by this Act required for the first Licence, in manner and at the Places and Times beforementioned, and so in every Year so long as such Person shall continue the Business of a Distiller, Rectifier or Compounder, or shall make or use any Still or Stills respectively.

Making Wort or Wash, or working Stills, &c. without Licence,

X. And be it further enacted, That if any Person or Persons in any Part of *Scotland*, shall after the said Tenth Day of *November* One thousand eight hundred and twenty two, prepare or make any Wort or Wash from any Sort of Materials whatsoever, or employ or work any Still or Stills for the making or manufacturing of Low Wines or Spirits, or for the rectifying or compounding of Spirits, without having first taken out a Licence for that Purpose, or shall not renew the same once in every Year in manner aforesaid, so long as he shall continue the Business of distilling, rectifying or compounding Spirits, or shall make or use any Still or Stills respectively, every such Person shall forfeit and lose the several and respective Penalties hereinafter mentioned for each and every such Offence; that is to say, every Distiller in *Scotland* for sale therein, or for Exportation therefrom, so offending, shall forfeit the Sum of Two hundred Pounds; every Rectifier or Compounder of Spirits in *Scotland*, or Person making or using any Still or Stills as aforesaid, so offending, shall forfeit the Sum of One hundred Pounds.

Penalty; Distillers, 200l. Rectifiers or Compounders, &c. 100l.

Persons in Partnership need to take out only One Licence for One House or Place.

XI. Provided always, and be it enacted, That Persons in Partnership, and carrying on Trade and Business in one House or Place only, shall not be obliged to take out more than One such Licence in any One Year, for carrying on such Trade in such House or Place; and that no one Licence which shall be granted by virtue of this Act shall authorize or empower any Person or Persons to whom the same shall be granted, to prepare or make any Wort or Wash, or to distil any Low Wines or Spirits, or to rectify or compound any Spirits, or to make or use any Still or Stills in any other House

House or Premises than the House or Premises mentioned in such Licence, and in no other House, Place or Premises whatever.

Assignees of Insolvents and Executors, &c. of Persons having Licences may carry on Trade till Licences expire.

XII. Provided always, and be it enacted, That upon the Insolvency, Bankruptcy or Death of any Person, so licensed as a Distiller, Rectifier or Compounder of Spirits, or upon the Removal of any Person so licensed from the entered House or Premises in which the Licence shall authorize such Person to prepare or make Wort or Wash, or to distil Low Wines or Spirits, or to rectify or compound Spirits, it shall and may be lawful to and for the Commissioners of Excise in *Scotland* for the time being, or any One or more of them, and to and for the several Collectors and Supervisors of Excise in *Scotland*, within their respective Collections and Districts, to authorize and empower the Assignees of such Insolvent, or the Factor or Factors, Trustee or Trustees of such Bankrupt on his sequestrated Estate, or the Executors or Administrators, or the Wife, Child or lawful Heir of such deceased Person, or the Assignees or Assigns of any such Person so removing, who shall be possessed of such House or Premises, in like manner to prepare or make Wort or Wash, or to distil Low Wines or Spirits, or to rectify or compound Spirits in the same entered House or Premises, where such Person so licensed by virtue of such Licence carried on such Trade during the Residue of the Term for which such Licence was originally granted, without taking out a new Licence during the Residue of the said Term, but subject to and under the same Terms, Conditions, Rules and Regulations as the Person or Persons to whom such Licence was originally granted.

Persons applying for Licences to swear that Stills, &c. are their own Property, &c.

XIII. And be it further enacted, That no Person or Persons shall be capable of taking out or receiving a Licence as a Distiller for Home Consumption in *Scotland*, save only the actual Owner or Owners of the Still or Stills intended to be worked by virtue thereof, and of the Implements, Backs and Vessels to be employed or used in carrying on the Trade or Business of a Distiller; and every such Person or Persons demanding such Licence, shall take and subscribe an Oath before One or more of the Commissioners of Excise in *Scotland*, or any Justice of the Peace for the County in which such Person or Persons shall reside (and which Oath such Commissioners or Justice are and is hereby empowered to administer,) that the said Still or Stills and Implements, Backs and Vessels to be used, are his, her or their own Property, and that the Trade or Business intended to be carried on is at his, her or their Risk, and on his, her or their own Account; and in every Licence which shall be granted by virtue of this Act, there shall be expressed and specified the Christian Name or Names, and the Surname or Surnames of the Person or Persons to whom the same shall be respectively granted, the Place or Places of his, her or their respective Residence, and the House or Place, and the Name of the particular County and Parish in which such House or Place shall be situate, where such Still or Stills are intended to be employed, worked or used, together with the respective Contents or Capacities of every such Still, and specifying for what particular Use each respective Still is intended to be employed, whether it be for the Distillation of Wash, or for the Distillation of Low

Particulars to be specified in Licences.

Low Wines, and also specifying the Gravity of the Wort or Wash which such Distiller shall declare in Writing to be his Intention to brew or prepare during the whole Continuation of his Licence, and also the Number of Gallons of Spirits to be produced from every One Hundred Gallons of Wash, in Proportion to such Gravity, in the Distillery for which such Licence shall be granted, and also specifying the Sum paid for the Duty for such Licence, and the Time of commencing, and when such Lease† shall cease and expire.

† *Sic.*

Wash Stills used as Low Wine Stills, and contrariwise, on Notice; One Still only licensed for distilling Wash and Low Wines.

XIV. Provided always, and be it enacted, That notwithstanding any thing contained in any Licence granted under this Act, any Wash, Still or Stills in the Distillery of any Distiller licensed under this Act, may be used in the Distilling of Low Wines, and that any Low Wine Still or Stills in the Distillery of such Distiller may be used in the distilling of Wash, provided that Twelve Hours' previous Notice thereof shall be given by the Distiller to the proper Officer of Excise, and that the Cause for such Alteration shall be truly stated in the said Notice; and that nothing in this Act contained shall extend or be deemed or construed to extend to prevent the employing or using of one and the same Still for the Distillation of Wash, and for the Distillation of Low Wines in the Distillery of any Distiller licensed under this Act: Provided such Distiller shall declare the Intention of so doing at the Time of obtaining such Licence as aforesaid, and so as such Intention shall be specified in such Licence; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Proviso.

Distillers, &c. before obtaining Licence to make Account and Entry of Places and Utensils to be used, not to use Utensils for other Purpose than that specified.

XV. And be it further enacted, That every Person requiring any Licence under this Act, as a Distiller, Rectifier or Compounder of Spirits, shall, before obtaining any such Licence, make out, sign and deliver at the nearest Office of Excise for the District, within the Limits of which the Distillery, Workhouses, Storehouses or other Places of such Distiller, Rectifier or Compounder respectively are situated, an Account and Declaration in Writing, to be entered and registered in the said Office of Excise, and which Account and Declaration shall specify and contain the Name or Names, and Place or Places of Abode of all the Persons requiring such Licence, and of all the Partners in the Concern, and shall be signed and subscribed by each and every such Partner; and such Account and Declaration shall also describe every Distillery, Storehouse, Warehouse, Building, Room or other Place intended to be made use of in carrying on the Business of such Distiller, Rectifier or Compounder (as the case may be), and also all Coppers, Tuns, Backs, Coolers, Stills, Casks, Vessels and other Utensils, which such Distiller, Rectifier or Compounder respectively shall make use of for brewing, mixing, fermenting, distilling, rectifying, compounding or keeping any Wort, Wash, Low Wines, Spirits or Feints; and in every such Account and Declaration shall be specified the particular Purpose for which each such Copper, Tun, Back, Cooler, Still, Cask, Vessel and Utensil is intended to be used; and in such Account and Declaration every such Distiller shall set forth, specify and Declare at what Gravity of Wort or Wash such Distiller intends to work during the whole Continuance of his Licence, and shall declare his Consent to be charged with the Percentage on Spirits, to be produced

Gravity of Wort and other Matters to be

duced from Wort or Wash according to the Gravity thereof, so set forth, specified and declared and according to the Rates prescibed by this Act; and if any such Distiller, Rectifier or Compounder, shall neglect or refuse to make out, sign and deliver such Account and Declaration as aforesaid, or shall omit to specify and set forth in such Account and Declaration any of the Matters or Things hereinbefore required to be set forth and specified therein; or if after such Entry any Copper, Tun, Back, Cooler, Still, Cask, Vessel or Utensil mentioned in such Entry, shall be used in the Distillery, or other entered Premises of any such Distiller, Rectifier or Compounder respectively, for any other Purpose than that to which any such Copper or other Vessel or Utensil is in such Entry specified to be intended to be applied or used; every such Distiller, Rectifier, and Compounder respectively, shall for each and every such Offence forfeit and lose the Sum of Two hundred Pounds; and every such Vessel or Utensil, together with the Wort, Wash, Low Wines, Spirits or Feints found therein at the Time when the Offence shall be committed, shall and may be seized by any Officer or Officers of Excise.

specified in Account.

Penalty, 200l. and Forfeiture of Utensils, &c.

XVI. And be it further enacted, That in every such Account and Declaration as aforesaid, every Building, Room, Place, Still, Copper, Cooler, Vat, Back, Vessel and Utensil whatsoever, shall be distinguished and described by a particular Letter or Number, and the Person making such Account shall paint or cause to be painted such respective Letter or Number, in a large and distinct Character, upon some convenient and conspicuous Part of the Walls or Doors of every such Building, Room or Place respectively, and upon some convenient and conspicuous Part of every such Still, Copper, Cooler, Vat, Back, Vessel or other Utensil kept and continued so painted, and from time to time, when Occasion shall require, or when required by the Supervisor of the District where situated, or by any General Supervisor or superior Officer, the same shall be renewed so long as the Entry thereof shall remain uncancelled, so that such Letter or Number so painted may be easily and readily observed and known by the Officer of Excise from time to time attending to survey the same; and that whenever any fixed Pipe or Pipes shall be used or employed in the Distillery, Buildings, Rooms or Places of any Distiller, Rectifier or Compounder, the Person making and delivering such Account shall, at the making and delivering the same, deliver with such Account, and as Part thereof, a Drawing or Drawings, or Description or Descriptions, distinctly shewing and exhibiting or explaining the Course, Direction, Construction and Use of all and every such Pipe and Pipes respectively, and of all and every Branch and Branches thereof, and of all and every Cock and Cocks thereon, together with the Place or Places, and Vessel or Vessels, and Utensil or Utensils respectively, from or to or with which the same lead or communicate; and if any Building, Room, Place, Vessel or Utensil shall at any Time be found to be used in the Distillery or entered Premises of any Distiller, Rectifier or Compounder, not having been so described or distinguished as aforesaid, or without such Letter or Number being or remaining so distinctly painted thereon as aforesaid; or if any Pipe or Pipes shall be found which shall not have been shewn in such Drawing or Drawings, or so described as aforesaid, or

In Entry of Premises, Places and Utensils to be distinguished by Letters or Numbers.

When fixed Pipes are used, their Course to be described.

Using Buildings, Pipes, &c. not described.

or different from or disagreeing with such Drawing or Drawings, or Description or Descriptions as aforesaid; every such Building, Room, Place, Vessel and Utensil respectively, shall be deemed and taken to be unentered, and the Person or Persons using the same shall for every such Offence forfeit and lose, over and above all other Penalties and Forfeitures, the Sum of Two hundred Pounds.

Penalty, 200l.

No Rectifier, &c. to be licensed as a Distiller of Spirits for Home Consumption.

XVII. And be it further enacted, That no Person or Persons carrying on the Trade or Business of a Rectifier or Compounder of Spirits, or of a Maker of Vinegar, or of a Common Brewer or Victualler, or of a Retailer of any Kind of Spirits in any Part of *Scotland*, shall have any Licence granted to him, her or them, as a Distiller of Spirits for Home Consumption; and if any Person or Persons, so long as he, she or they shall carry on or be concerned in the Business of a Rectifier or Compounder of Spirits, or of a Maker of Vinegar, or of a Common Brewer or Victualler, for brewing or selling of Beer or Ale, or of a Retailer of any Kind of Spirits, in any Part of *Scotland*, shall carry on, or be directly or indirectly concerned or interested in the Trade or Business of a Distiller of Spirits for such Home Consumption, every such Person shall for every such Offence forfeit and lose the Sum of Two hundred Pounds; and if any Person or Persons to whom any such Licences as a Distiller or Distillers shall be granted under this Act, in any Part of *Scotland*, for Consumption therein, shall at any Time or Times during the Continuance of any such Licence, carry on or be directly or indirectly concerned or interested in the Trade or Business of a Rectifier or Compounder of Spirits, or of a Vinegar Maker, or of a Common Brewer or Victualler, or of a Retailer of any Kind of Spirits, every such Person shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Rectifier not to be a Distiller.
Penalty, 200l.

No Person licensed as a Distiller to be a Rectifier, &c.
Penalty, 200l.

No Rectifier to be a Brewer, Victualler, &c. and no Brewer, Victualler, &c. to be a Rectifier.

XVIII. And be it further enacted, That if any Person or Persons, in any Part of *Scotland*, shall at one and the same Time carry on the Trade or Business of a Rectifier or Compounder of Spirits, with that of a common Brewer or Victualler, or of a Retailer of any kind of Spirits, or Vinegar Maker, or shall be directly or indirectly concerned or interested therein; or if any Persons shall at one and the same Time carry on the Trade or Business of a common Brewer or Victualler, or of a Retailer of any kind of Spirits or Vinegar Maker, with that of a Rectifier or Compounder of Spirits, or shall be directly or indirectly concerned or interested therein, every such Person or Persons as aforesaid shall, for every such Offence, forfeit and lose the Sum of Two hundred Pounds.

Penalty, 200l.

Distillers while distilling, &c. not to be Dealers in Spirits, within the limits herein mentioned, nor permit any Person to become a Dealer in Spirits within their Premises, &c.

XIX. And be it further enacted, That it shall not be lawful for any Distiller, licensed under this Act, at any Time while any Still shall be at Work, or any Materials fit for Distillation remaining in the Distillery of such Distiller, to be licensed as a Dealer in Spirits, whether the entered Distillery of such Distiller is within the Distance of Two Miles thereof; and if any such Distiller shall, within the Distillery of such Distiller, or the entered Premises thereto belonging, or in any House or Place within the Distance of Two Miles of such Distillery, during such Time, keep any Spirits not distilled in the Distillery of such Distiller; or if any such licensed Distiller shall, during such Time, make Entry, or shall permit or

suffer any Person or Persons on Behalf of such Distiller to make Entry of any Warehouse or other Place for the keeping or sending out of any Kind of Spirits, as a Dealer in Spirits, within the Distillery of such Distiller, or within the Distance of Two Miles thereof; or if any such licensed Distiller shall in any Manner or Way be concerned or interested in the Trade or Business of a Dealer in Spirits, within his, her or their entered Distillery, or the entered Premises thereto belonging, or within Two Miles thereof, while any Still shall be at Work, or any Materials fit for Distillation are remaining in the Distillery of any such Distiller; every such Distiller shall for every such Offence forfeit and lose the Sum of Two hundred Pounds. Penalty, 200l.

XX. Provided always, and be it enacted, That it shall and may be lawful for any Distiller licensed under this Act, to receive back into the Stock of Spirits, of which an Account shall be kept in the said Distillery, any Spirits originally distilled and sent out by such Distiller, and which may be returned to such Distiller by any Dealer in or Retailer of Spirits to whom such Distiller may have sent out the same, in the original Casks in which the same shall have been so sent out, accompanied with true and lawful Permits, expressing the Name of the Dealer or Retailer from whose Stock the Spirits shall be sent, and also the Name of the Distiller to whose Stock the same shall be returned. Distillers may receive Spirits back from their Customers into Distillery Stock, keeping Account thereof.

XXI. And be it further enacted, That no Person or Persons shall erect, set up, enter or make use of any House or Place whatsoever in *Scotland*, for the rectifying or compounding of Spirits, or for receiving or keeping of Spirits, by any Rectifier or Compounder of Spirits, within the Distance of Three hundred and fifty Yards in a direct Line from any House or Place which shall be entered or used for preparing Wort or Wash, or for the making or distilling of Spirits for Home Consumption, or for the receiving or keeping of Spirits by any Maker or Distiller of Spirits; and that no Person or Persons shall erect, set up, enter or make use of any House or Place whatsoever in *Scotland* for preparing Wort or Wash, or for the making or distilling of Spirits for Home Consumption, or for receiving or keeping Spirits by any Maker or Distiller of Spirits, within the Distance of Three hundred and fifty Yards in a direct Line from any House or Place which shall be entered or used for rectifying or compounding of Spirits, or for receiving or keeping of Spirits, by any Rectifier or Compounder of Spirits, on pain of forfeiting in each and every such Case the Sum of Five hundred Pounds for every Week that such House or Place shall be erected, set up or entered, or used respectively as aforesaid; and all and every Entry or Entries of any such House or Place so made use of, either for the rectifying, compounding or keeping of Spirits, or for the preparing Wort or Wash, or making or distilling or keeping of Spirits, contrary to the true Intent and Meaning of this Act, shall be null and void to all Intents and Purposes whatsoever: Provided nevertheless, that from and immediately after the passing of this Act, and at any Time thereafter during the Continuance thereof, it shall and may be lawful for any Person intending to erect, set up, enter and make use of any House or Place for preparing Wort or Wash, or for the making or distilling of Spirits for Home Consumption in *Scotland*, within a Period not exceeding Twelve Months, Houses for rectifying or compounding Spirits not to be used within 350 Yards of a Distillery. Nor Distillery within that Distance of a House for rectifying, &c. Spirits. Penalty, 500l. Entries contrary thereto void. Notice by Persons intending

to use such Houses for rectifying.

Months, to give Notice of such his Intention to the proper Officer of Excise, describing such House or Place, or the Site thereof; and it shall not be lawful for any Person, after such Notice shall have been given, during the Period specified in such Notice, not exceeding Twelve Months from the Day of the Date thereof, to erect, set up or make use of any House or Place not previously used for the rectifying or compounding of Spirits, or for receiving or keeping of Spirits by any Rectifier or Compounder of Spirits, within the Distance of Three hundred and fifty Yards in a direct Line from such House or Place, or the Site thereof, specified in such Notice: Provided further, that if any Person giving such Notice as aforesaid, shall not be able to complete any House or Place for preparing Wort or Wash, or for the making or distilling of Spirits for Home Consumption in *Scotland* within the Space of Twelve Months after the Date of such Notice, it shall and may be lawful for the Commissioners of Excise in *Scotland*, upon the Application of such Person, or of his Executors, Administrators or Assigns, to extend the Time within which such House or Place may be finished, so that the same may be entered as a House or Place for preparing Wort or Wash, or for the making or distilling of Spirits for Home Consumption in *Scotland*, on or before such Day as it shall appear reasonable and proper to such Commissioners of Excise to extend and limit the same.

If such Houses cannot be completed within 12 Months after Notice, Commissioners of Excise may enlarge the Time.

Any Person may be licensed to use Stills for Distillation of Wash, &c. of Capacity herein mentioned, on being recommended by two Justices of Peace and Minister of Parish.

XXII. And be it further enacted, That it shall and may be lawful for every Person in *Scotland*, to be licensed under this Act, to erect and use any Still or Stills for the Distillation of Wash, Low Wines or Spirits for Home Consumption, each Still respectively being of the Capacity or Content of at least Forty Gallons *English* Wine Measure (including the Head and as high as the Steam can ascend), or of any other Capacity or Content less than Five hundred Gallons *English* Wine Measure (including the Head and as high as the Steam can ascend); provided that every Person applying for any Licence for any such Still, shall produce to the Commissioners of Excise, or other Person authorized to grant such Licence, a Certificate in Writing, under the Hands of Two Justices of the Peace for the County, and the Minister of the Parish in which such Person shall have resided for the Space of Three Years, that such Person is of good Character, and is reputed to be in such Circumstances as to be able to pay all Duties on Spirits to be distilled in such Still and is Tenant or Occupier of Messuages or Tenements to the value of Ten Pounds a Year at the least, in the Parish in which such Still is required to be licensed: Provided always, and declaring, that if any such Person, so applying for a Licence, shall be a Partner with any other Person or Persons, carrying on in Partnership the Trade and Business of a Distiller, it shall and may be lawful for the Commissioners of Excise, or other Person authorized to grant such Licence, to include therein the names of all the Persons concerned in such Partnership, whether they reside in such County or not.

Names of Parties may be included.

Licence to use Stills of 500 Gallons Content or upwards, without such Recommenda-

XXIII. And be it further enacted, That it shall and may be lawful for any Person or Persons in *Scotland*, to be licensed under this Act, to erect and use any Still or Stills, for the Distillation of Wash, Low Wines or Spirits for Home Consumption, of the Capacity or Content of Five hundred Gallons, including the Head (and as high as

as the Steam can ascend), or of any greater Capacity or Content, without such Certificate or Recommendation as aforesaid; and that it shall and may be lawful for any Person licensed to erect and use any Still of Five hundred Gallons' Content or more, to be licensed to erect and use any other Still of a less Content than Five hundred Gallons, and not less than Forty Gallons, without any such Certificate or Recommendation as aforesaid; any thing hereinbefore contained to the contrary notwithstanding. tion; Person so licensed may also be licensed to use less Stills.

XXIV. And be it further enacted, That it shall not be lawful for any Person in *Scotland* to be licensed to erect, set up, employ or use any Still or Stills, for the Distillation of Wash, Low Wines or Spirits, of any less Capacity or Content than Forty Gallons *English* Wine Measure, including the Head (and as high as the Steam can ascend), nor for any Person, not licensed to erect and use a Still of Five hundred Gallons or upwards, to be licensed to erect, set up, employ or use any Still of the Capacity or Content of Forty Gallons, and under Five hundred Gallons, without such Certificate or Recommendation; and that if any Person in *Scotland* shall erect, set up, use or employ any such Still, contrary to the Directions of this Act, every such Person shall be subject to, and shall incur all the Penalties and Forfeitures by this Act inflicted on Persons using or working any unlicensed Still. No Licence to erect or use Still of less Capacity than 40 Gallons, or of 40 and under 500 Gallons, without being recommended.

XXV. And be it further enacted, That no Person or Persons in *Scotland* shall be deemed a Rectifier or Compounder of Spirits, within the Meaning of this Act, who shall not have at least One entered Still, capable of containing in the Body thereof, exclusive of the Head, One hundred and twenty Gallons, *English* Wine Measure at the least, nor unless such Still shall have a suitable Worm and Worm Tub affixed thereto, and shall be really and *bonâ fide* used for the rectifying of *British* Spirits for Sale, by such Person or Persons; and any Person who shall carry on the Business of a Rectifier or Compounder of Spirits contrary to the Directions of this Act, shall be subject and liable to, and shall incur all the Penalties and Forfeitures by this Act inflicted on Persons using or working any unlicensed Still. What Persons deemed Rectifiers, &c. carrying on Business of a Rectifier, &c. contrary hereto. Penalty.

XXVI. And be it further enacted, That if any Rectifier or Compounder of Spirits in *Scotland* shall have in his, her or their Custody or Possession any Wort, Wash, Tilts or other fermented Liquor capable of being distilled into Low Wines or Spirits, or shall distil or extract any Low Wines or Spirits from Wort, Wash, Tilts, Corn, Melasses, Sugar, Cyder, refused Wines or other fermented Liquor, or shall be in Possession of any such Materials prepared or fit for the Purpose of being distilled into Low Wines or Spirits, or shall have in his Custody or Possession any Spirits whatsoever, without having received a legal Permit with the same, every such Rectifier or Compounder of Spirits shall (over and besides all other Penalties and Forfeitures) forfeit and lose for every such Offence the Sum of Five hundred Pounds, or the Sum of Twenty Shillings for each and every Gallon of such Wort, Wash or other fermented Liquor fit for the Purpose of being distilled into Low Wines or Spirits, or of such Low Wines or Spirits so distilled as aforesaid, or of such Spirits received without being accompanied with a true and legal Permit, as the case may be, at the Election of the Advocate General of *Scotland*, or of any other Rectifiers, &c. having Wort, &c. or distilling same into Low Wines or Spirits, or receiving Spirits without Permit. Penalty.

Second Offence, Forfeiture of Licence.

Person who shall sue or prosecute for such Penalty; and the Licence of every Rectifier or Compounder of Spirits, who shall be a Second Time convicted of any of the Offences aforesaid, shall, upon such Second Conviction, be deemed void to all Intents and Purposes, and such Rectifier or Compounder shall not be capable of receiving any further or renewed Licence as a Rectifier or Compounder of Spirits, for the Period of Three Years from the Date of such Second Conviction.

Distillers removing Wort, Wash or Spirits on which Duty has not been paid.

XXVII. And be it further enacted, That if any Distiller in *Scotland*, licensed under this Act, shall conceal, remove or carry away, or cause or suffer to be concealed, removed or carried away, any Wort or Wash brewed or made for extracting Spirits, or any Spirits so extracted, for or upon which the Duty imposed by this Act has not been duly charged, or which shall not have been duly taken account of by the proper Officer of Excise, every such Distiller, over and besides all other Penalties and Forfeitures, shall

Penalty.

for every such Offence forfeit and lose the Sum of Five hundred Pounds, or the Sum of Twenty Shillings for every Gallon of such Wort, Wash or Spirits so concealed, removed or carried away at the Election of the Advocate General of *Scotland*, or of the Person

Second Conviction, Forfeiture of Licence.

who shall sue or prosecute for such Penalty; and the Licence of every such Distiller, who shall be a Second Time convicted of any such Offence, shall, upon such Second Conviction, be deemed void to all Intents and Purposes, and such Distiller shall not be entitled to any further or renewed Licence, as a Distiller, for the Period of Three Years from the Date of such Second Conviction.

Names of Distillers, &c. to be painted over Door of Still House, &c.

XXVIII. And be it further enacted, That before any Distiller, Rectifier or Compounder of Spirits, for Consumption in *Scotland* shall begin to distil, rectify or compound any Spirituous Liquors, such Distiller, Rectifier or Compounder respectively, shall cause to be painted in Black upon a White Ground, or in White upon a Black Ground, over the outward Door of the Stillhouse, Storehouse, Warehouse, Shop, Cellar, Vault or other Place respectively, made use of by such Distiller, Rectifier or Compounder, for distilling, rectifying, compounding or keeping of *British* Spirituous Liquors, in Letters of not less than Six Inches in Length, the Name or Names of such Distiller, Rectifier or Compounder, and the Words Distiller, Rectifier or Compounder of Spirituous Liquors (as the case may be), and shall keep the same so legibly painted,

Penalty, 100*l*.

upon pain of forfeiting the Sum of One hundred Pounds.

' XXIX. And for the more effectually preventing the receiving ' or buying by any Person whomsoever of *British* made Spirits, ' from Persons privately distilling the same without Licence;' Be it further enacted, That if any Distiller, Rectifier or Compounder of Spirits, or any other Person whomsoever, in any Part of *Scotland*, shall receive or buy, or shall procure or employ any Person to receive or buy any *British* made Spirits, from any Person or Persons whomsoever, except from some Distiller, Rectifier or Compounder of Spirits, whose Name shall be painted over the outward Door of his Stillhouse, Storehouse, Warehouse, Shop, Cellar, Vault or other Place, in manner required and directed by this Act, or from some licensed Dealer in or Retailer of *British* made Spirits, or at some public Sale of *British* made Spirits, condemned and sold under the Direction of the Commissioners of Excise or Customs,

Distiller, &c. receiving or buying British Spirits from Persons other than as herein described.

Customs, every such Person so offending shall, for every such Offence, forfeit and lose the Sum of Five hundred Pounds. Penalty, 500l.

XXX. And for the more effectual Discovery of such Offender, be it further enacted, That either of the offending Parties, whether Buyer or Seller of such *British* Spirits, who shall first discover and inform against the other of such offending Parties, before any Information has been lodged against such informing Party for such Offence, shall thereupon be discharged and acquitted from all Penalties to which, at the Time of such Information given, such informing Party may be liable, for or by reason of any such Offence committed by such informing Party. Buyer or Seller informing against the other acquitted of his own Penalty.

XXXI. And be it further enacted, That if any Person or Persons, not being duly licensed as a Distiller, Rectifier or Compounder under this Act, or if any such Distiller, Rectifier or Compounder, not having duly made Entry of all the Places by them respectively made use of for distilling, rectifying, compounding or keeping of *British* Spirits, shall paint or cause to be painted over the outward Door of any Place to them respectively belonging, the Words "Distiller, Rectifier or Compounder of Spirituous "Liquors," or either of them; every Person so offending shall forfeit and lose the Sum of Two hundred Pounds, and shall also be subject to the several Penalties and Forfeitures to which Persons distilling, rectifying or compounding Spirituous Liquors, without being licensed and making Entry, are by this Act subjected unto. Persons not licensed, &c. painting over their Doors the Words Distiller, &c. Penalty, 200l.

XXXII. And be it further enacted, That the several and respective Duties granted by this Act on Wort, Wash and Spirits, shall be charged by the Officers of Excise, according to the Gauge or Gauges taken by them in the different and respective entered Backs, Casks or other Vessels; and that the Contents of all Backs and other Vessels for containing, keeping or holding of Wort or Wash, or other Liquor for Distillation, and of Low Wines, Feints and Spirits of any Kind or Sort whatsoever, shall be taken and calculated according to *English* Wine Measure. Wort, &c. charged by English Wine Measure, Casks, &c. gauged accordingly.

XXXIII. And to remove all Doubts respecting the Denomination of Spirits of different Distillations, be it further enacted, That all Spirits of the first Extraction, drawn or distilled from Wort or Wash, shall be deemed and taken to be Low Wines within the Meaning of this Act; and that all pure Spirits of the Second Extraction, or which shall have been once distilled from Low Wines, shall be deemed and taken to be Raw *British* Spirits within the Meaning of this Act; and that all impure Spirits of the Second Extraction, or which shall have been once distilled from Low Wines, and all impure Spirits of the Third Extraction, or which shall have been Twice distilled from Low Wines, shall be deemed and taken to be Feints within the Meaning of this Act; and that all pure Spirits of the Third Extraction, or which shall have been Twice distilled from Low Wines, and have had any Flavour communicated thereto, and all Liquors whatsoever which shall be mixed or mingled with any such Spirits, shall be deemed and taken to be *British* Brandy within the Meaning of this Act; and that all pure Spirits of the Third Extraction, or which shall have been twice distilled from Low Wines, and shall not have had any Flavour communicated thereto, and all Liquors whatsoever which shall be mixed or mingled with any such Spirits, shall be deemed What deemed Low Wines. Raw British Spirits. Feints. British Brandy.

Rectified British Spirits.

and taken to be Rectified *British* Spirits within the Meaning of this Act; and that all pure Spirits of the Third Extraction, which shall have been distilled with Juniper Berries, Carraway Seeds, Annise Seeds or any other Seeds, Preparation or Ingredient whatsoever used in the compounding of Spirits, and all Liquors whatsoever which shall be mixed or mingled with any such Spirits, shall be deemed and taken to be *British* Compounds within the Meaning of this Act; and that all *British* Spirits of the Strength of Forty two *per Centum* above Proof, as denoted by the Hydrometer called *Sikes*'s Hydrometer, and all Spirits of a greater or higher Degree of Strength, shall be deemed and taken to be Spirits of Wine within the Meaning of this Act; and if any Question shall arise, whether any Spirits removed by any Permit are *bond fide* such Raw *British* Spirits, rectified *British* Spirits, *British* Brandy, *British* Compounds or Spirits of Wine respectively, as are described and specified in the Permit accompanying the same or granted for the Removal thereof, although such Spirits shall appear to have been kept account of in the Officers' Books, or Account of Stock from which such Spirits were removed by the same Name or Description as is specified in such Permit, the Proof that such Spirits are really and *bond fide* of the Sort specified in such Permit shall lie upon the Owner or Claimer thereof, who shall prove the same by the Oaths of Two credible Witnesses, being skilful and experienced Persons competent to decide by Examination thereof.

British Compounds.

Spirits of Wine.

Proof of Spirits removed, being such as described in Permit to lie upon Owners.

Distillers using undue Proportion of Wheat.

XXXIV. And be it further enacted, That if any Distiller or Distillers licensed under this Act, in preparing Grist for the Mash Tun, in order to extract Wort therefrom, shall use or cause to be used more Wheat than in the Proportion of One Quarter of Wheat to Two Quarters of any other Corn or Grain, every such Distiller or Distillers shall for every such Offence forfeit and lose the Sum of Fifty Pounds.

Penalty, 50l.

While Corn Distillery prohibited, no Spirits made from Sugar, &c.

XXXV. And be it further enacted, That during such Time as the Distillation of Spirits from Corn or Grain shall not be prohibited by Law in *Scotland*, no Low Wines or Spirits shall be made, extracted or distilled in *Scotland* from Sugar or Molasses, or any Mixture with the same, or either of them, or from any Honey, or from any refused Wine, Cyder, Perry or other Ingredients whatever, other than and except Corn malted or unmalted; and that if any Distiller licensed under this Act shall make use of any refused Wine, Cyder, Perry, Molasses, Sugar, Sugar Wash, Honey, or any Composition or Extract of Sugar, in brewing, making or preparing Wash for Distillation, or in making or extracting Low Wines or Spirits; or if any such Distiller shall referment and redistil Wash, commonly called Spent Wash, after the same has been through the Still, or shall distil any Kind of fermented Liquor whatsoever, other than and except the Wash prepared or made from Corn or Grain within the Distillery of such Distiller; or if any Quantity of refused Wines, Cyder or Perry, Melasses, Sugar or Honey, or any Sugar Wash or Composition or Extract of Sugar, or any Kind of fermented Liquid not prepared or made from Corn or Grain in the Distillery of such Distiller, shall be conveyed or received into, or be found in the Distillery of such Distiller, the same, together with the Casks or other Packages in

Distiller using refused Wine, Cyder, &c. or keeping same in Possession.

which the same shall be contained, and the Carts and other Carriages and Horses or Cattle used for conveying the same, shall be respectively forfeited, and shall and may be seized by any Officer or Officers of Excise; and every such Distiller or Distillers shall for each and every such Offence forfeit and lose the Sum of Two hundred Pounds; and every Servant of such Distiller, and every Person who shall be aiding and assisting in the using any such refused Wine, Cyder or Perry, or other fermented Liquor, or any Melasses, Sugar or Honey, or any Sugar Wash or Composition or Extract of Sugar, in the Distillery of such Distiller, or in carrying or conveying the same into any Distillery, Stillhouse or other Place belonging to such Distiller, shall also for every such Offence forfeit and lose the Sum of Twenty Pounds, and in Default of Payment thereof shall suffer Imprisonment for three Calendar Months.

Penalty, 200l.

Servants or Persons assisting.

Penalty, 20l. or Imprisonment.

XXXVI. And be it further enacted, That the Officer of Excise in Charge of the Distillery of any Distiller licensed under this Act, shall make out a Return or Voucher to the Commissioners of Excise, or to such Person as the said Commissioners shall appoint, of the Amount of Wash distilled, or decreased from the Wash Backs in the Distillery of such Distiller, in every Week ending on the *Saturday* during the Continuance of the Licence of such Distiller; and also of all the Spirits made and distilled in such Distillery, and taken account of by such Officer during such Week and of the several Duties chargeable and charged on such Wash and Spirits respectively, in each and every such Week, which Return or Voucher shall be a Charge upon the Distiller; and the Officer of Excise shall within Three Days after the End of every such Week, deliver to or leave with such Distiller, or at such Distillery a true Copy of such Return or Voucher, containing the Amount of all the Wash distilled or decreased, and all the Spirits made and taken account of by such Officer, and charged with Duty for such Week respectively.

Officers to make Weekly Return or Voucher of Wash distilled, &c.

Charge upon Distiller.

To leave a Copy of Return with Distiller.

XXXVII. And be it further enacted, That such Return or Voucher of such Officer shall be a Charge upon every such Distiller for such Week, and such Distiller shall pay the Duties appearing by such Return to have become due and payable on the Wash so distilled or decreased, and the Spirits so made and distilled, on some Market Day within Fourteen Days after the last Day of the Week for which such Return shall be made, and such Duty charged, or shall for every Default forfeit a Sum equal to Double the Duty so returned and charged.

Distiller to pay Duty on Return.

XXXVIII. And be it further enacted, That every Distiller licensed under this Act shall, under the proper Hand of such Distiller, or under the Hand of the Brewer or Chief Workman of such Distiller, or of some Person for whom such Distiller shall be responsible, make a true and particular Entry or Return, in Writing, declaring to the Truth thereof before the proper Supervisor of the District, of the Quantity of the Wort or Wash which shall have been decreased from the Wash Backs, or distilled in the Distillery of such Distiller into Low Wines or Spirits, in every Week ending on the *Saturday* during the Continuance of the Licence of such Distiller, and of the Quantity of Spirits, calculated at the Strength of Seven *per Centum* above Proof, which

Distiller, &c. to make Entry Weekly of Quantity of Wash distilled and Spirits made.

shall have been made or distilled in the Distillery of such Distiller within such Week; and in Case of Omission, Neglect or Default in the making of such Entry or Return, or if any false Entry or Return shall be made, every such Distiller shall, for every such Omission, Neglect or Default, and for any such false Entry, for-

Penalty, 200l.

the Sum of Two hundred Pounds.

How far Distiller compelled to travel for making such Returns, &c.

XXXIX. Provided always, and be it enacted, That no Distiller licensed under this Act shall be compelled to travel for the making of the said Entries or Returns, or for the Payment of the said Duties, or for any other Cause relating to or concerning the same, if such Distiller shall reside in a Market Town; and if such Distiller shall reside out of a Market Town, then such Distiller shall not be compelled to travel to any other Place than to the Market Town nearest to the Residence of such Distiller in the same County on the Market Day.

Treasury may empower Commissioners of Excise to allow Distiller Time for Payment of Duties, with Interest at 5l. per Cent.

XL. Provided also, and be it enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the time being, by any Warrant, Order or Instruction signed by any Three or more of them, to authorize and empower the Commissioners of Excise in *Scotland* for the time being, by any Licence or Authority in Writing under the Hands of any Three or more of the said last mentioned Commissioners, to allow such Time as they shall think fit, for the Payment by any Distiller licensed under this Act, of the Duties granted by this Act, not exceeding Two Calendar Months from the Time when the same respectively became due and payable, and to take such Security or Securities for the Payment thereof, with Interest thereon, at the Rate of Five Pounds *per Centum per Annum*, from the Day on which the same were payable, according to the Directions of this Act, until the same shall be paid, as the said Commissioners of Excise shall think proper, subject to such Limitations, Conditions and Restrictions, as the said Commissioners of His Majesty's Treasury shall think fit; any thing contained in this Act or in any other Act or Acts to the contrary in any wise notwithstanding.

Distillers, &c. to provide Ladders and Lights for Officers to gauge Vessels, and assist Officers.

XLI. And be it further enacted, That every Distiller, Rectifier, and Compounder of Spirits licensed under this Act, shall provide proper Ladders and Lights, to enable the Officers of Excise from time to time to gauge and ascertain the Capacities or Contents of any Copper, Tun, Back, Still or other Vessel or Utensil used or to be used in the Distillery or Premises of such Distiller, Rectifier or Compounder respectively; every such Distiller, Rectifier or Compounder, or some Person or Persons on his, her or their Behalf, shall be aiding and assisting to the said Officers in gauging or measuring all Vessels and Utensils whatsoever, and in dipping, gauging or examining the Liquors contained therein; and if any such Distiller, Rectifier or Compounder, shall neglect or refuse to provide proper Ladders and Lights for the Purposes aforesaid, or shall not, by himself or by some other Person or Persons on his Behalf, assist the said Officers in setting up the Ladders, and in gauging or measuring any Utensil or Vessel, or in dipping, gauging or examining the Liquors contained therein as aforesaid, or shall by any Means whatever hinder or obstruct the Officer or Officers of Excise in gauging or measuring any Vessel

or Utensil or in dipping, gauging or examining the Liquor contained therein, then and in every such case, the Distiller, Rectifier or Compounder so offending shall for each Offence forfeit and lose the Sum of Two hundred Pounds.

Penalty, 200l.

Distiller, &c. enlarging or altering Size of Vessel, or altering Position of Still or fixed Vessel, without Notice to Officer; or putting any Thing upon Dipping Place of Vessel.

XLII. And be it further enacted, That it shall not be lawful for any Distiller, Rectifier or Compounder of Spirits, licensed under this Act, to enlarge or alter in any respect the Size, Situation or Position of any Still, Copper, Tun, Back, Cooler or other fixed Vessel or Utensil whatsoever, after the same shall have been erected, set up and fixed, and the Capacities or Contents thereof ascertained, either by Gauge or Measure, by any Officer or Officers of Excise, without giving at the least Four Days' previous Notice in Writing, to the proper Officer of Excise under whose Survey the Distillery or Premises of such Distiller, Rectifier or Compounder shall then be; and if the Size, Situation or Position of any Still, Copper, Vat, Tun, Back, Cooler or other fixed Vessel or Utensil whatsoever, in the Distillery or Premises of any Distiller, Rectifier or Compounder licensed under this Act, shall be enlarged or in any respect altered, after the same shall have been set up and fixed, and the Capacities or Contents thereof ascertained, either by Gauge or Measure, by any Officer or Officers of Excise, without such Notice having been given as aforesaid; or if any Board, Stone, Wood or any other Materials, Substance, Matter or Thing, shall be placed at, in or upon the Dipping Place or Places of any Still, Copper, Tun, Back, Cooler, Cask, Vessel or Utensil whatsoever; or if any Alteration shall be made in such Dipping Place or Places; or if any other Act, Matter or Thing shall be done, whereby or by reason or means whereof the Officer or Officers of Excise may be prevented or hindered from taking true Dips or Gauges of any Wort, Wash, Low Wine, Spirits and Feints therein; every such Distiller, Rectifier or Compounder, in whose Distillery or Premises any such Offence shall be committed, shall forfeit and pay the Sum of Two hundred Pounds.

Penalty, 200l.

Entry of Place or Utensils not to be withdrawn whilst Wash or other Materials are remaining therein.

XLIII. And be it further enacted, That no Distiller, Rectifier or Compounder, licensed under this Act, who shall have made Entry of any Building, Room or Place, or of any Still, Copper, Vat, Tun, Back, Cooler or other Utensil whatsoever, for the Purpose of carrying on the Trade or Business of a Distiller, Rectifier or Compounder (as the case may be), shall be permitted to withdraw such Entry whilst any Wort, Wash, Low Wines, Spirits or Feints are remaining in any Place, or in any Still, Copper, Vat, Tun, Back, Cooler or other Utensil so respectively entered as aforesaid; but that after any such Entry shall be made as aforesaid, the Officers of Excise under whose Survey such Distiller, Rectifier or Compounder shall then, be, shall continue to survey the Places and Utensils mentioned in each such Entry, until all the Wort, Wash, Low Wines and other Materials shall be worked off, and until the Produce thereof shall be removed from and out of the said entered Places; and then, and not till then, shall any such Entry made as aforesaid be withdrawn.

Officers of Excise may enter Stillhouses, &c. by Day or by

XLIV. And be it further enacted, That it shall and may be lawful for any Officer of Excise, at all Times, by Day or by Night, to enter into and continue in every Distillery, Stillhouse, Storehouse, Warehouse, Cellar or other Place made use of by any Distiller,

Night, to take account of Wort, Wash, &c. or to examine Stills, or to regauge Utensils, &c.

tiller, Rectifier or Compounder of Spirits licensed under this Act, for brewing, making, keeping or distilling Wort, Wash, Low Wines or Spirits, or for rectifying or compounding Spirits, and by gauging, measuring or otherwise, in such Manner and by such Instruments as to such Officers shall appear most proper and effectual for that Purpose, to take account of the Quantity, Quality and Strength of the Wort, Wash, Low Wines, Feints and Spirits, which shall from time to time be brewed, made, distilled, rectified or compounded, or kept by such Distiller, Rectifier or Compounder (as the case may be), and to enter such Account of the Wort, Wash, Low Wines, Feints and Spirits, in a Book or Books to be kept by such Officer or Officers for that Purpose; and also to examine every Still, and the Materials therein, if not at Work, and if at Work, to stay and continue in such Distillery, Stillhouse or Place, until such Still shall be worked off, and then to examine the same, and what Materials were used or distilled or worked therein, and also to regauge or remeasure any Still or Stills, or the Head or Heads or any Part thereof, or any Copper, Tun, Back, Cooler, Cask, Vessel or Utensil, so as to discover whether any Alteration may have been made thereon or thereto, either in the Size, Situation or Position, without due Notice in manner required by this Act, or to discover whether any Substance, Matter or Thing may have been placed at, on or upon the Dipping Place or Places of any Copper, Tun, Back, Cooler, Still, Cask, Vessel or Utensil, so as to prevent the taking true Dips or Gauges of the Wort, Wash, Low Wines, Spirits or Feints therein; and in case any Officer or Officers of Excise shall not be permitted and suffered to enter into or to continue in the Distillery, Stillhouse or other Place aforesaid, of any such Distiller, Rectifier or Compounder of Spirits, or to take such Account as aforesaid, or to make such Examination as aforesaid, or to regauge or remeasure any Still or Stills, or the Head or Heads or any Part thereof, or any Copper, Tun, Back, Cooler, Cask, Vessel or Utensil, or to examine the Dipping Place or Places thereof, for the Purpose or Purposes aforesaid; or if any such Officer or Officers shall be hindered or obstructed in the due Execution of any Part of his Duty, then and in every such case such Distiller, Rectifier or Compounder shall for every such Offence forfeit and lose the Sum of Two hundred Pounds; and after any Obstruction of any Officer or Officers of Excise from entering into any such Distillery, Stillhouse or other Place aforesaid, it shall be lawful for any and every such Officer, with proper Assistants, and on producing his Commission, to break open by force any Door leading or belonging to such Distillery, Stillhouse or other Place aforesaid, or any of the Windows thereof, or to break through any of the Walls, so far as the same shall be necessary for obtaining Entrance thereunto.

Refusing Entry, &c.

Penalty, 200l.

Officer may break open Doors on producing Commission.

Distillers to give Notice of Intention to mix, mash, or brew from Malt, &c. and to specify Quantity of Materials.

XLV. And be it further enacted, That every Distiller who shall be licensed under this Act shall, Twelve Hours before beginning to mix, mash or brew any Malt or Grain to be made into Wort, give or cause to be given to the proper Officer of Excise, under whose Survey the Distillery of such Distiller shall then be, a Notice in Writing, specifying therein the particular Time and Hour when such mixing, mashing or brewing intended to be begun, and the true Quantity of *Winchester* Bushels of Malt and of unmalted Grain

Grain intended to be mixed, mashed or brewed, as the case may require; and every such mixing, mashing or brewing shall be begun and proceeded on at the Time and Hour mentioned in such Notice as aforesaid, or within Three Hours next after the Expiration of such Time and Hour, otherwise such Notice shall be and is hereby declared to be null and void; and every such Distiller shall give or cause to be given a fresh Notice to the Officer of Excise before beginning to mix, mash or brew any Malt or Grain; and if any such Distiller shall neglect or refuse to comply with the several Particulars aforesaid, such Distiller shall for every such Neglect or Refusal forfeit and lose the Sum of Fifty Pounds. Penalty 50*l.*

XLVI. And be it further enacted, That it shall not be lawful for any Distiller licensed under this Act, to mix, mash or brew any Malt or Grain at any time whilst any Still or Stills in the Distillery of such Distiller is or are employed or used in distilling or making Low Wines or Spirits, or whilst any such Still or Stills is or are charged with any Wort, Wash or Low Wines, for the Purpose of distilling the same; and that whenever any such Distiller shall begin to distil any Wort or Wash, the Distillation of such Wort or Wash shall be continued without Interruption until the Whole of the Wort or Wash then in the Custody or Possession of such Distiller shall be distilled into Spirits; and that all Operations of mixing, mashing or brewing shall cease and be suspended so long as any such Wort or Wash as aforesaid shall be in the Progress of Distillation into Spirits, and until the several Duties shall be duly charged on such Wash, and on the Spirits produced therefrom; and all Notices given by any such Distiller for the mixing, mashing or brewing of any Corn or Grain whilst any Still or Stills in the Distillery of such Distiller shall be employed or used in distilling or making Low Wines or Spirits, shall be null and void to all intents and Purposes whatever; and it shall not be lawful for any such Distiller to employ or use any Still or Stills in the distilling any Wash or Low Wines or Feints, nor to charge any Still or Stills in the Distillery of such Distiller with any Wort, Wash, Low Wines or Feints, at any Time whilst any Corn or Grain shall be in the Progress of being mixed, washed or brewed; and that all Operations of Distillation, or of charging any Still or Stills for the Purpose of Distillation, shall cease and be suspended so long as any such Corn or Grain shall be in the Progress of being mixed, mashed or brewed for the Purpose of making or preparing Wort; and that every such Distiller, after he has completed his Operations of mixing, mashing or brewing, shall make out and deliver to the proper Officer of Excise a true Declaration in Writing, specifying that all the Wort, Wash and Bub in his Custody or Possession is collected into the entered Wash Backs for Fermentation; and all Notices given by any such Distiller for taking Wash from any Fermenting Back or Tun, or for opening any Lock or Locks for the Purpose of Distillation whilst the Operation of mixing, mashing or brewing any Corn or Grain shall be carrying on or proceeding, shall be null and void to all Intents and Purposes whatsoever; and every Distiller in whose Distillery any Malt, Corn or Grain shall be mixed, mashed or brewed, or any Still shall be charged with Wort, Wash or Low Wines, or any Wort, Wash or Low Wines shall be distilled, or any Spirits shall be

Distiller not to brew while Still is working, nor distil while Corn is mashing, &c.

Notices in what Case void.

Distiller to deliver Declaration in Writing of Wort, &c. collected into entered Wash Backs, &c.

Notices void.

be made at any Time so as aforesaid prohibited by this Act, or who shall neglect or refuse to make out and deliver a Declaration as aforesaid, or shall make out and deliver a false Declaration, shall, over and above all other Penalties, forfeit and lose for each and every Offence the Sum of Five hundred Pounds.

Penalty, 500l.

Proviso for Distillers licensed to distil not more than 2,000 Gallons.

XLVII. Provided always, and be it enacted, That the Regulations immediately hereinbefore contained, for prohibiting the mixing, mashing or brewing any Malt or Grain in the Distillery of any Distiller whilst any Still in such Distillery is employed in distilling or making Low Wines or Spirits, and for prohibiting the employing any Still in the distilling any Wash or Low Wines or Feints at at any Time whilst any Corn or Grain shall be in the Progress of being mixed, mashed or brewed, shall not extend to any Distiller who shall be licensed to keep or use any Still for Distillation for Consumption in *Scotland*, who, on taking out a Licence to keep or use any Still under this Act, shall declare that he does not intend to distil more than Two thousand Gallons of Spirits in any Still or Stills so licensed during the Continuance of such Licence, and in whose Licence such Declaration shall be specified and set forth: Provided nevertheless, that every such Distiller who shall distil more than Two thousand Gallons of Spirits in any such Still or Stills during the Continuance of such Licence, shall become liable to the Regulations hereinbefore made for prohibiting the mixing, mashing or brewing any Malt or Grain in the Distillery of any Distiller while any Still in any such Distillery is employed in the distilling or making Low Wines or Spirits, and for prohibiting the employing any Still in the distilling any Wash or Low Wines or Feints at any Time while any Corn or Grain shall be in the Progress of being mixed, mashed or brewed, and become subject to the Penalty of Five hundred Pounds for every and each Offence in that Behalf herein imposed, in the Case of any Distiller offending against such Regulations, over and above all other Penalties.

Distilling more.

Distiller offending.

Penalty, 500l.

Increasing Gravity of Wort drawn from Mash Tub by Lob, &c.;

XLVIII. And be it further enacted, That after any Wort shall have been drawn off from the Mash Tun, no Mixture called Lob, nor any other Mixture or Substance whatsoever, shall be thrown into or mixed with such Wort, by means whereof the Gravity of such Wort may be increased; and if any such Mixture called Lob, or any other Mixture or Substance whatsoever, shall be thrown into or mixed with any such Wort, after the same shall have been drawn off from the Mash Tun, by means whereof the Gravity of any such Wort, or the Wash made therefrom, or any Part thereof, shall be increased; or if any Wort or Wash, after the Gravity thereof shall be ascertained and taken account of in manner required by this Act, shall be mixed with any other Wort or Wash, brewed or made on any previous or any subsequent Day; or if any such Wort or Wash as aforesaid shall be mixed with any other Wort or Wash contained in any Back or Vessel whatsoever; or if any Wort or Wash shall be conveyed away or concealed; every Distiller in whose Distillery any such Offence shall be committed shall for every such Offence forfeit and pay the Sum of Two hundred Pounds.

Mixing Wort, after Gravity ascertained, with other Wort;

Concealing Wort, &c.

Penalty, 200l.

The whole Quantity of Wort, for Fer-

XLIX. And be it further enacted, That the whole Quantity of Wort intended to be placed in any Wash Back for Fermentation at one and the same Time, in the Distillery of any Distiller licensed under

under this Act, shall be collected in such Wash Back within the Space of Six Hours from and after the Commencement of running or conveying any Part of the said Wort from the Coolers or other Vessels; and every such Distiller shall within such Six Hours make and deliver to the proper Officer a Declaration in Writing, that such Wort so collected as aforesaid is of a Gravity not exceeding Eighty one, Seventy five, Seventy, or Sixty five respectively, as indicated by *Allan*'s Saccharometer, according to the Gravity at which such Distiller shall be licensed to make or brew his Wort for Fermentation respectively; and in such Declaration there shall also be stated the exact Number of Dry Inches of the Wash Back in which such Wort shall be collected, set or prepared, and also the Number of such Wash Back; and if any Wort, after being so collected as aforesaid, shall be found to exceed such Gravity as aforesaid respectively, every such Distiller shall immediately reduce the same with Water to the proper Gravity in the presence of the Officer of Excise, who shall charge the Duty imposed by this Act on the increased Quantity of Wort occasioned by such Reduction of Gravity; and every such Distiller shall be charged from and by the highest Gauge or Quantity found by the Officer at any Time from the Period when the Wort shall be collected and set for Fermentation, and until the Wash made therefrom shall be run and conveyed to the Still, without any Allowance for Waste, Leakage, Dregs, Yeast, Sediment or Bottoms whatsoever; and if any such Distiller shall refuse or neglect so to collect all such Wort within the Time aforesaid, or shall neglect or refuse to make and deliver such Declaration as aforesaid, or shall make any false Declaration respecting the same, or shall ferment or mix such Wort with any Yeast, or with any other Matter or Thing for or occasioning Fermentation, before the proper Officer of Excise shall have examined and taken an account of the Gravity of such Wort by such Saccharometer; or if at any Time after any such Declaration shall be made and delivered, the Quantity of Wash in such Wash Back shall be increased to any Amount exceeding Seven Gallons in One Hundred; every Distiller in whose Distillery any such Offence or Neglect shall be committed or take place, shall for every such Offence forfeit and pay the Sum of Two hundred Pounds.

mentation, to be collected within Six Hours, and Declaration made of Gravity thereof.

Distiller charged from the highest Gauge.

Refusing to make Declaration.

Making False Declaration, &c.

Penalty, 200l.

L. And be it further enacted, That it shall be lawful for any Officer of Excise to take a Sample or Samples of any Wort, at any Time or Times after the same shall have been drawn off from any Mash Tun, as often as may be necessary for the Purpose of ascertaining the Gravity thereof; and in like manner it shall be lawful for any Officer of Excise to take a Sample or Samples of any Wash, at any Time or Times after the same shall have been put into any Wash Back for the Purpose of Fermentation, or into the Jack Back, Charging Back or any other Back or Vessel whatsoever: Provided always, that all such Samples, when the same shall have been used for the Purposes of this Act, shall be returned into the Back or Vessel out of which the same shall have been taken, or otherwise may be kept by the said Officer, paying the full Value thereof, at the Option of such Officer: Provided further, that the Wort contained in any Back or Vessel, from which any such Sample or Samples shall have been taken, shall be held and deemed

Samples of Wort or Wash may be taken at any Time by Officer of Excise.

Who is to return the same.

deemed to be of the Gravity ascertained by such Sample or Samples, at the Time or Times when the same shall have been taken.

Wash Backs to have a Hole in the Top, and a Brass Cock within 30 Inches from the Bottom thereof, and be so placed that the Officer may conveniently take his Dip, and draw off a Sample.

LI. And be it further enacted, That every Wash Back which shall be used or kept in the Distillery of any Distiller licensed under this Act, for the Purpose of preparing or fermenting Wort or Wash, shall have a Hole or Dipping Place in the Top, and shall be so placed and constructed as that the Officer of Excise may be conveniently enabled to take his Dip or Gauge at such Hole or Dipping Place at the Top thereof; and that there shall upon the Bottom of such Hole or Dipping Place be fixed and screwed a Plate of Brass or Iron to prevent the same from being worn or altered; and every such Distiller shall, to the Satisfaction of the proper Supervisor of the District or other Superior Officer, provide and fix, or cause to be provided and fixed, in every Wash Back as aforesaid, at any Distance within Thirty Inches from the Bottom thereof, a Brass Cock for the Purpose of enabling any Officer of Excise to draw off, without Inconvenience or Delay, any Sample or Samples of the Wort or Wash contained therein; and if any Wash Back without such Hole or Dipping Place at the Top, or without such Cock as aforesaid, shall be kept or used in the Distillery of any Distiller, or if any such Wash Back shall be so placed or constructed as that the Officer of Excise cannot conveniently be enabled to take his Dip or Gauge, or to take such Sample or Samples as aforesaid, or if such Officer shall be hindered or prevented by any Person in such Distillery from taking any such Sample or Samples as aforesaid, every Distiller in whose Distillery such Offence or Neglect shall be committed or shall take place, shall for every such Offence or Neglect forfeit and pay the Sum of Two hundred Pounds.

Penalty, 200l.

On Increase of Gravity found, Double Duty and

LII. And be it further enacted, That if upon making Trial of or taking an Account, for the Purpose of ascertaining the Gravity of the Wort or Wash in any Wash Back by the said Instrument called *Allan*'s Saccharometer, it shall appear that the Wort or the Wash made therefrom shall have increased in Gravity since the last preceding Trial of the same with the same Instrument, to the Extent of Five Degrees, as indicated on that Instrument, the Wort or Wash in any and every such Wash Back shall be deemed and taken to have been fraudulently altered or changed, and the whole Quantity of Wort or Wash in such Wash Back shall be charged with Double the Duty which would have been payable under this Act upon such Wort or Wash, if no such Alteration or Change had taken place; and every Distiller in whose Distillery such Offence shall be committed shall forfeit and pay the Sum of Two hundred Pounds.

Penalty, 200l.

Saccharometers to be provided to ascertain Gravity of Wort or Wash.

LIII. And be it further enacted, That the Instruments to be used, in order to ascertain the Gravity of Wort or Wash, as directed by this Act, shall be those made in the manner of a certain Instrument called a Saccharometer, invented by Doctor *Thomson*, but described, from the Maker's Name, *Allan*'s Saccharometer; and it shall and may be lawful for the Commissioners of Excise in *Scotland*, by and with the Approbation of the Commissioners of His Majesty's Treasury, and they are hereby required to provide a sufficient Number of such Saccharometers, to be used by the Officers of Excise acting in the Execution of this Act; and that One of

of the Instruments known by the Name of *Allan*'s Saccharometer, to be provided by the Commissioners of Excise as aforesaid, shall be and remain at their Office in the City of *Edinburgh*, and shall be shewn to any Distiller who shall desire to see the same, between the Hours of Eleven in the Morning and Three in the Afternoon.

One Saccharometer to remain at Excise Office.

LIV. And be it further enacted, That every Distiller licensed under this Act shall provide and fix a proper Discharge Cock in every Wash Back used or kept for containing Wort or Wash for Fermentation; and a Lock and Fastening shall be provided and maintained by the proper Supervisor of the District, at the Expence and Charge of every such Distiller, for properly and sufficiently locking and securing the Discharge Cock and Pipe of every Wash Back as aforesaid, which Lock and Fastening shall be locked and sealed by the proper Officer of Excise, and shall be and remain always so locked and sealed when such Wash Back shall contain any Wort or Wash, excepting when the same shall be opened by the proper Officer of Excise, who shall attend when thereunto required by such Distiller, for the Purpose of opening such Lock or Locks, and allowing the Wash in any such Wash Back to be conveyed by a Pipe or an Open Trough into the Jack Back in the manner hereinafter mentioned; and when any such Distiller shall make use of a Wash Main Pipe, communicating between the Wash Backs and the said Jack Back, such Wash Main Pipe shall be so placed and fixed, that all Wash or Liquor put or entering therein, shall run and be discharged or conveyed from thence into the said Jack Back, and neither rest in such Main Pipe or run elsewhere; and no such Wash Back as aforesaid shall have any other Pipe or Conveyance entering into or passing out of the same, except the Pipe for running or conveying the Wort therein from the Coolers, and the Sewer Cock or Pipe to be secured with a Lock and Fastening, provided and maintained at the Expence of the Distiller, and kept locked and sealed by the Officer, and opened only for carrying off the Water with which such Wash Back may be cleansed or washed out, and except the Discharge Cock and Pipe hereby directed and required to be locked as aforesaid; and such Main Pipe, Open Trough or other Conveyance as aforesaid, shall not have any Stop Cock or Interruption therein whatever, which may prevent the whole Wash therein from running into the Jack Back; and if any such Distiller shall not provide and fix a proper Discharge Cock in every Wash Back used or kept for containing Wort or Wash for Fermentation as aforesaid, or shall refuse to pay for and maintain such Locks and Fastenings as aforesaid, or shall prevent or hinder the Officer from affixing any Lock or Fastening as aforesaid, or shall wilfully open, break or damage, or cause or suffer to be opened, broken or damaged, any of such Locks, Seals, Fastenings, Pipes or Cocks as aforesaid, or use any other Art or Contrivance whereby any Wort or Wash may or can be privately conveyed away or concealed from the Officer, or shall in any respect offend in any of the Matters or Things aforesaid, every such Distiller shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Distillers to fix Discharge Cock in Wash Backs.

Locks and Fastenings provided by Supervisor, at Expence of Distiller,

Locks and Fastenings sealed, and opened by Officer while Wash is conveying into Jack Back.

No Stop Cock.

Distillers not providing Discharge Cocks, or not paying for Fastenings or Locks, or breaking or opening Locks, &c.

Penalty, 200l.

LV. And be it further enacted, That no such Distiller shall have or keep any private Pipe, Stop Cock or other private Conveyance, by which any Wort, Wash or other Liquors fit for Distillation may be

Distiller keeping private Pipe by which Liquors fit for

Distillation may be conveyed from One Back to another, &c.

be conveyed from the Wash Back to another, or from any such Wash Back to any Still or Stills of such Distiller, or into any other Vessel, Utensil or Place whatsoever, nor shall have or keep any private Vessel or Utensil for receiving, making, preparing or keeping Wort, Wash or other Materials fit for Distillation, nor shall have or keep in any Wash Back any Hole other than the Dipping Place before mentioned, by which any Wort, Wash or any other Liquid fit for Distillation, may be conveyed into or out of such Wash Back, on pain of forfeiting for every such private Pipe, Stop Cock, Conveyance, Vessel, Utensil or Hole, the Sum of Two hundred Pounds.

Penalty, 200l.

Officers of Excise may break up Ground to search for private Pipe, &c.

LVI. And for the better Discovery of all private Pipes, Stop Cocks and other private Conveyances and Utensils; be it further enacted, That it shall and may be lawful to and for the Officers of Excise, or any of them, by Night or by Day, on Request first made and Cause declared, to break up the Ground in the Distillery of any Distiller licensed under this Act, or the Ground near adjoining, or any Wall, Partition or other Place, to search for any such Pipe, Stop Cock or any other private Conveyance or Utensil; and upon finding such Pipe or other Conveyance, to break up the Ground, House, Wall or other Partition or Place through or into which any such Pipe or other Conveyance shall lead, and to break up or cut any such Pipe or other Conveyance, and to turn any Cock or Cocks, to try and examine whether such Pipe or other Conveyance may or can convey any Wort, Wash or other Liquors fit for Distillation, out of such Back into another, or from any such Back into any Still or Stills, or into any other Utensil or Place whatsoever.

Water not drawn off from Worm Tub when Spirits are not running.

LVII. And be it further enacted, That if any Officer of Excise shall at any Time when Low Wines or Spirits shall not be running off from a Still, require that the Water contained in any Water-Tub belonging to such Still shall be drawn or run off, for the Purpose of examining such Worm, and the Tub or Vessel containing the same, the same shall be drawn or run off accordingly; and if the same shall not be drawn or run off by some Person in the Distillery, it shall be lawful for any such Officer to draw or run off such Water, or so much thereof as he shall think necessary; and if the Water shall not be so drawn or run off at the Request of such Officer, the Distiller in whose Distillery such Worm Tub shall be situate shall forfeit the Sum of One hundred Pounds.

Penalty, 100l.

Removing Wash from Back where fermenting or fermented, before Duty charged.

LVIII. And be it further enacted, That no Wash in the Distillery of any Distiller licensed under this Act shall be put into the Jack Back, Charging Back or into any Still or Stills, or otherwise removed from the Back wherein the same was fermented, until such Wash shall have been gauged, and the duty charged thereon by the proper Officer of Excise; and if, contrary to the Directions of this Act, any such Wash shall be put into any Jack Back, Charging Back or Still, in the Distillery of any Distiller, or shall be otherwise removed from the Back wherein the same was fermenting or fermented, before the same shall have been gauged and the Duty charged thereon, such Distiller shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Penalty, 200l.

Wort, &c. fraudulently

LIX. And be it further enacted, That no Wort, Wash, Low Wines or Feints, in the Possession of any Distiller licensed under this

this Act, shall be removed or taken away from or out of the Distillery of such Distiller, nor shall any Wort, Wash, Low Wines or Feints be deposited, hid or concealed in any Place whatsoever, with Intent to evade the Duty imposed thereon; and when and so often as any Wort, Wash, Low Wines or Feints shall be removed or taken away, or shall be deposited, hid or concealed, contrary to the true Intent and Meaning of this Act, such Wort, Wash, Low Wines or Feints respectively, shall be forfeited, and shall and may be seized by any Officer or Officers of Excise, together with the Casks and other Packages containing the same; and over and besides such Forfeiture, such Distiller, out of or from whose Distillery any Wort, Wash, Low Wines or Feints shall be so removed or taken away, or who shall be privy to the depositing, hiding or concealing any Wort, Wash, Low Wines or Feints, or who shall cause the same to be removed, taken away or deposited, hid or concealed, and every Person who shall be employed in the removing or taking away, or depositing, hiding or concealing the same, or who shall receive the same, shall severally forfeit and lose the Sum of Two hundred Pounds, or the Sum of Twenty Shillings for every Gallon of such Wort, Wash, Low Wines or Feints, at the Election of His Majesty's Advocate General of *Scotland*, or of the Person or Persons who shall sue for or prosecute for such Penalty.

removed, &c. forfeited;

Distiller, Person employed and Person receiving, to pay Penalty, 200l. or 20s. for every Gallon of the Wort, &c.

LX. And be it further enacted, That before making or using the Composition or Mixture called Bub, or any other Composition or Mixture for inducing or increasing the Fermentation of Wort or Wash, every Distiller of Spirits for Consumption in *Scotland* shall make Entry of every Vessel used by such Distiller for the Purpose of making or keeping any such Composition or Mixture, describing the same, and in what Part of the Premises the same is placed; and every such Distiller shall also give Notice to the proper Officer of Excise, at least Six Hours before beginning to make any such Composition or Mixture, and shall also in such Notice specify the particular Wash Back into which such Composition or Mixture is to be put, and the Quantity of such Composition or Mixture to be made by such Distiller, which Quantity shall not exceed the Proportion of Five Gallons thereof to every One hundred Gallons of the Wort, for inducing the Fermentation of which the said Composition or Mixture is to be prepared; and the Officer shall take an Account thereof in such Vessels respectively, and also of the Wort placed or to be placed in the Wash Back, for inducing the Fermentation of which the said Composition or Mixture is to be used, and shall and may at all Times be at liberty to take a Sample or Samples of such Composition or Mixture, to ascertain the Gravity thereof by the said Saccharometer; and wherever the Gravity of such Composition or Mixture, or any Part thereof, so ascertained, shall not exceed the Gravity of the Wort made by any such Distiller, and so taken an Account of when collected as aforesaid, and whenever such Composition or Mixture shall be found of a Gravity not less than Twenty, as indicated by the said Saccharometer, such Composition or Mixture shall be deemed and taken to be Wash, and the Duty hereby imposed on Wort or Wash shall be charged thereon; and if any such Distiller shall not make Entry of every such Vessel as aforesaid, or shall

Before making Bub, &c. Entry to be made of Vessels, and Notice given to Officer before making.

What seemed Wash.

Not making Entry, or ne-

neglecting to give Notice, obstructing Officer,

shall at any Time alter or change the Position of any of such Vessels, without giving Notice thereof in Writing to the proper Officer of Excise, or shall not give Notice as is herein directed, or shall make any such Composition or Mixture of a greater Quantity or Gravity than aforesaid, or if the Officer shall be prevented or obstructed in taking an Account thereof, or Samples as aforesaid, as often and at such Times as he may think necessary to ascertain the Gravity and Quantity thereof, or if such Distiller shall refuse or neglect to remove and put all such Composition or Mixture into the Wash Back specified in such Notice as aforesaid, immediately after the Wort is collected therein, and a Declaration of the Gravity of such Wort is delivered to, and the Gravity thereof has been tried by the Officer, for the fermenting of which the said Composition or Mixture was specified in such Notice as aforesaid, or shall keep in any such Vessel any such Composition which shall have become attenuated so low as Twenty, as indicated by the said Saccharometer, or if such Distiller shall at any Time increase the Gravity of any such Composition or Mixture, after Trial thereof shall have been once made by Means of the said Saccharometer, or if, after such Trial shall have been made, the Gravity of any such Composition or Mixture shall be found to be more than Five Degrees greater than indicated by the said Saccharometer, than the Gravity thereby indicated on such Trial as aforesaid, every such Distiller so offending in any of the above Particulars, or in whose Premises any such Offence shall be committed, shall forfeit and pay the Sum of Two hundred Pounds: Provided always, that if any such Composition or Mixture made by any such Distiller, shall not have become attenuated so low as Twenty, as indicated by the said Instrument called a Saccharometer, and such Distiller shall, within Twenty four Hours after such Composition or Mixture shall have been begun to be made, to be reckoned from the Time that the Officer first took an Account thereof, remove and put the Whole thereof into the Wash Back specified in such Notice as aforesaid, in the Presence of the proper Officer of Excise; and if such Officer shall then find an Increase of the Quantity of Wort in such Wash Back, equal to the Amount arising from such Composition or Mixture put therein, such Composition or Mixture put therein shall be charged with Duty therein as Part of the Wort or Wash in such Wash Back, and not distinctly and separately therefrom.

refusing to remove or increasing Gravity of Composition.

Penalty, 200l.

If Increase of Wort, equal to Mixture put therein, such Mixture charged as Part of Wort.

LXI. And be it further enacted, That all Wash made or used by any Distiller licensed under this Act shall be conveyed immediately from the Wash Back in which such Wash shall have been fermented into an entered Vessel called a Jack Back and such Jack Back shall not have any Pipe or Communication with any Vessel or Vessels, Utensil or Utensils whatsoever, other than and except with such Wash Backs, by Means of the Wash Main Pipe, Open Trough or other Conveyance for running or conveying the Wash from the Wash Back into such Jack Back, and with the Wash Charging Back by means of the Wash Pump; and that every such Vessel called a Jack Back shall have a sufficient Cover thereon, and a Pump placed and fixed therein for conveying the Wash from and out of such Jack Back to a Vessel called a Wash Charging Back, hereinafter mentioned; and a proper Lock and Fastening,

Wash conveyed immediately from Fermenting Back to Jack Back.

Fastening, or proper Locks and Fastenings, shall be provided and maintained by the proper Supervisor of the District, at the Expence and Charge of every such Distiller, for properly and sufficiently locking and securing the Cover of such Jack Back and Wash Pump respectively, which Locks and Fastenings shall be locked and sealed by the proper Officer of Excise, and shall be and remain always so locked and sealed, excepting when the same shall be opened by the proper Officer of Excise, who shall attend when thereunto required by a Notice in Writing from such Distiller, for the Purpose of opening such Lock or Locks, and allowing the Wash to be pumped from such Jack Back and conveyed into the Wash Charging Back, to be from thence conveyed into the Still or Stills in the manner hereinafter mentioned; and that no such Jack Back shall have any Pipe or other conveyance into or out of the same, other than as aforesaid, or any open Hole therein, except a Dipping Hole in the Cover thereof, of not more than One Inch in Length and Three Tenths of an Inch in Breadth; and if a Vessel called a Jack Back, constructed in the manner aforesaid, shall not be provided in the Distillery of any such Distiller, or if a Pump shall not be placed and fixed therein for the Purposes aforesaid, or if such Jack Back shall be employed or used for any other Purpose than as aforesaid, or such Locks and Fastenings as aforesaid shall not be paid for and maintained, or if any Officer shall be prevented or hindered by any Person in the Distillery of such Distiller from affixing any Lock or Fastening as aforesaid, or if any of such Locks, Seals and Fastenings as aforesaid shall be wilfully and injuriously opened, broken or damaged, or if any Art or Contrivance whereby any Wash may or can be privately conveyed away into such Jack Back, or privately conveyed away from or out of such Jack Back, shall be made use of in the Distillery of such Distiller, or if such Distiller shall in any respect offend in any of the Matters or Things as aforesaid, every Distiller shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Locks, &c. for the same at Expence of Distiller.

Distillers not complying with Regulations herein mentioned.

Penalty, 200l.

LXII. And be it further enacted, That all Wash made or used by any Distiller licensed under this Act, after being conveyed in manner aforesaid into the Jack Back before mentioned, shall be conveyed immediately from such Jack Back into an entered Vessel, called a Wash Charging Back, which shall not have any Communication with any Vessel or Vessels, Utensil or Utensils whatsoever, except with such Jack Back, by means of the fixed Pump therein, and which shall not have any Pipe or Pipes except one Pipe leading from such Pump, which Pipe shall be a close Pipe, and be made of some durable Metal, having one End thereof firmly and substantially fixed to the said Wash Pump, and the other End thereof firmly and substantially fixed to the Charging Back, and one other close Metal Pipe, having one End thereof firmly and substantially fixed to the Bottom of such Wash Charging Back, and the other End thereof firmly and substantially fixed to the Still, for the Purpose of conveying Wash into such Still; and that on such last mentioned Pipe there shall be a Charging Cock, the Key of which shall be of one Piece, and so rivetted into the Cock of which it is a Part, as to prevent the same from being taken out of the Body of such Cock, and that such Wash Charging Back shall have a sufficient Cover thereon, and shall be capable of containing

Wash to be conveyed from Jack Back to an entered Vessel called a Wash Charging Back, which shall have no Communication but such as is herein described.

taining the whole Quantity of Wash which any such Distiller shall intend to distil into Low Wines, during the Space of Twelve Hours, and shall in all Cases be placed in the Stillhouse, and not hidden or concealed, but shall be exposed to open View, and accessible to the Officers of Excise on all Parts thereof, and shall be situate as near as conveniently may be to the Still or Stills to which it shall form the Means of Charge; and that a proper Lock and Fastening, or proper Locks and Fastenings, shall be provided and maintained by the proper Supervisor of the District, at the Expence and Charge of every such Distiller, for properly and sufficiently locking and securing the Cover of such Wash Charging Back; and that such Locks and Fastenings shall be locked and sealed by the proper Officer of Excise, and shall be and remain always so locked and sealed, excepting when it shall appear necessary to the proper Officer to open the same for any special or particular Purpose; and that such Wash Charging Back shall not have any Pipe or other Conveyance into or out of the same, other than as aforesaid, nor any open Hole therein, except a Dipping Hole in the Cover thereof, of not more than One Inch in Length, and Three tenths of an Inch in Breadth; and if such Vessel called a Wash Charging Back shall not be provided and constructed and placed in the Distillery of any Distiller in the manner aforesaid, and of the Size aforesaid; or if the Pipes or Charging Cock as aforesaid shall not be provided, or shall not be fixed and rivetted in the manner aforesaid; or if any such Wash Charging Back shall be employed or used for any other Purpose than as aforesaid; or such Locks and Fastenings as aforesaid shall not be paid for and maintained; or if the Officer shall be hindered or prevented by any Person in the Distillery of such Distiller from affixing any Locks or Fastenings as aforesaid; or if any such Lock, Seal, Fastening, Pipe or Cock as aforesaid shall be wilfully and injuriously broken or damaged, or if there shall be any open Hole in such Wash Charging Back other than as aforesaid; or if any such Distiller or any Person in his Employ, or at his Command, shall use any Art or Contrivance whereby any Wash may or can be privately conveyed into such Wash Charging Back, or privately conveyed from or out of such Wash Charging Back into any Still or Stills, or into any other Vessel or Place whatsoever, or shall in any respect offend in any of the Matters or Things aforesaid, every such Distiller shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Locks and Fastenings to be provided at the Expence of Distiller.

Distillers not complying with Regulations herein mentioned.

Penalty, 200*l.*

LXIII. And be it further enacted, That whenever any Distiller, licensed under this Act, shall be desirous of running or conveying Wash into the Jack Back, for the Purpose of being pumped into the Charging Back, and from thence run into any Still or Stills in the Distillery of such Distiller, to be distilled into Low Wines, every such Distiller shall give or cause to be given to the proper Officer of Excise, under whose Survey such Distiller shall then be, a Notice in Writing at least Twelve Hours before the particular Time and Hour of the Day or Night when such Wash is intended to be run or conveyed as aforesaid, expressing in such Notice the particular Number of the Fermenting Wash Back from which such Wash is to be taken; and in case the running or conveying of such Wash from the Fermenting Wash Back into the Jack Back shall

Distillers intending to run Wash from Fermenting Backs to Jack Back, to give Notice in Writing to Officer.

shall not be begun at the Time and Hour mentioned in such Notice, or within Two Hours next after the Expiration of such Time and Hour, then every such Notice shall be and is hereby declared null and void, and every such Distiller or Distillers shall be obliged to give or cause to be given another like Notice in Writing, before the Officer shall be bound to open the Discharge Cock or Wash Pump so locked and sealed as aforesaid.

Notice in what case void.

LXIV. And be it further enacted, That the Officer of Excise shall from time to time attend, agreeably to such Notice, so to be given as before directed, or at farthest within One Hour after the particular Time or Hour mentioned in any such Notice; and such Officer shall open the Wash Pump and the Discharge Cock of the Fermenting Wash Back specified in such Notice; and every such Distiller, or his, her or their Servants, shall proceed, without unnecessary Delay, to run off into the Jack Back, and from thence to convey into the Wash Charging Back, the whole Quantity of Wash intended to be distilled into Low Wines within the next Twelve Hours, reckoning from the Time or Hour mentioned in such Notice to be given to the Officer as aforesaid; and such Officer shall continue in the House all the Time that such Wash is running into the Jack Back, and until the whole Quantity as aforesaid shall be pumped up to the Charging Back; and such Officer shall immediately thereupon lock and secure, as before, the Wash Pump and Discharge Cock of the Fermenting Wash Back from which the Wash was taken, and shall ascertain the Quantity of Wash decreased from such Wash Back, and shall also dip and gauge the Quantity conveyed into the Charging Back, before any Part thereof shall be run into the Still or Stills; and in case such Officer shall find a greater Quantity of Wash in the Charging Back than shall appear to be decreased from the Fermenting Wash Back, the whole Quantity in such Charging Back shall be deemed Wash of one and the same Quality; and every such Distiller shall be charged with and shall pay the Duties imposed by this Act on Wort or Wash, for every such surplus Quantity found by the Officers of Excise in such Charging Back in the manner aforesaid; and if any Quantity of Wash shall be run and conveyed into the Jack Back, from any Wash Back not particularly mentioned or described in the Notice as before mentioned; or if any Quantity of Wash shall be run or conveyed into any Still or Stills in the Distillery of such Distiller, before the Officer shall have gauged and ascertained the Quantity of Wash pumped into the Charging Back, such Distiller shall for every such Offence forfeit and lose the Sum of Two hundred Pounds; and it shall be lawful for the Officer to turn the Discharge Cock of any Still or Stills, to examine whether any Wash has been run or conveyed therein, and to gauge and ascertain the same; and every such Distiller shall be charged with and shall pay for the same, at the same Rate of Duty as for the Wash contained in the Charging Back at the Time when such Offence shall be committed.

Officers to attend and remain till Wash conveyed to Charging Back, &c. to compare Decrease from Fermenting Back with Increase found in Charging Back, and charge Duty on surplus Quantity found.

Running Wash from Back not mentioned in Notice, or running Wash into Stills before Officer has gauged Quantity pumped into Charging Back.

Penalty, 200*l.*

LXV. And be it further enacted, That no Feints, or any other Liquor whatsoever, shall be mixed with or amongst the Wash in the Wash Charging Back, or in any Still or Stills or other Vessel or Utensil whatsoever, in the Distillery of any Distiller; and if any Feints or any other Liquor fit for Distillation, shall be mixed

Mixing Feints, &c. with Wash in Charging Back, &c. Increases found in Charging

Back above Quantity on Survey.

with or amongst the Wash in any such Wash Charging Back; or if any Officer of Excise shall find any Increase of the Quantity in such Wash Charging Back, over and above the Quantity found therein, on the Survey immediately preceding (except when Wash is conveyed therein according to Notice), every such Increase shall be deemed and taken to arise from Wash privately brought in, and which shall be held to be Wash of one and the same Quality with the Wash taken an account of in such Wash Charging Back, by the Officer on his Survey immediately preceding; and every such Distiller, for every such Increase so found as aforesaid, shall be charged with and shall pay the Duties granted by this Act on Wort or Wash; and such Distiller shall also for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Penalty, 200l.

Wash contained in Wash Back to be distilled off into Spirits and Feints, or into Low Wines, before Distiller may run Wash from other Wash Backs.

LXVI. And be it further enacted, That every Distiller licensed under this Act, who shall have given such Notice as before mentioned, and who shall have acted upon such Notice, by conveying Wash from the Fermenting Wash Back into the Jack Back, and from thence to the Charging Back, in the manner before mentioned, shall continue from time to time (upon Notice being given to the Officer) to run and convey Wash from the same Fermenting Wash Back in the same manner, until the whole Wash shall be run or conveyed therefrom into the Jack Back, and from thence into the Wash Charging Back, and from thence into the Still, and distilled into Low Wines, before it shall be lawful for any such Distiller to run Wash from any other Wash Back into the Jack Back, for the Purpose of being conveyed into the Charging Back, and thence into the Still; and all Notices given to any Officer of Excise contrary hereto, shall be and the same are hereby declared to be null and void to all Intents and Purposes whatsoever.

Still not to have more than One fixed Charging Pipe and One Discharge Cock.

LXVII. And be it further enacted, That there shall not be any fixed Pipe or other Conveyance whatever, leading to any Still or Stills in the Distillery of any Distiller licensed under this Act, save and except only one fixed Charging Pipe to each such Still leading from the entered Charging Back in such Distillery; and that there shall not be any Opening whatever in or from any such Still or Stills, save and except the Discharge Cock to each Still respectively belonging, and the Head of such Still terminating in the Worm, on pain that every such Distiller shall forfeit for every fixed Pipe or Conveyance leading to or from any such Still or Stills (other than as before excepted) the Sum of Two hundred Pounds.

Penalty, 200l.

Distillers to provide and affix a proper Air Conductor, of a certain Construction, to every Still.

LXVIII. And be it further enacted, That a proper and sufficient Air Conductor shall be provided and affixed to each and every Still used in the Distillery of any Distiller licensed under this Act, to the Satisfaction of the proper Supervisor or other superior Officer, which Air Conductor shall be in the Form of a Pipe, and so bent that one End thereof shall be clenched and soldered to the Still, and the other End thereof having small Holes of not more than Two tenths of an Inch in Diameter perforated therein, shall rest on the Still; and that on such Air Conductor there shall be a Cock, the Key of which shall be of One Piece, and so rivetted into the Cock, of which it is a Part, as to prevent the same being taken out of the Body of such Cock; and every such Distiller, in whose Distillery any Still shall be set up or used, without such

Air Conductor being provided and affixed thereto, shall forfeit and lose the Sum of Two hundred Pounds. Penalty, 200l.

Distillers, &c. to make Holes or Openings in Breast of Stills for Use of Officers, and taking Samples.

LXIX. And be it further enacted, That in the Breast of every Still used by any Distiller, Rectifier or Compounder of Spirits, licensed under this Act, there shall be a Hole or Opening made, to the Intent that the Officers of Excise may be enabled to take Gauges and Samples, at the Time and in the Manner herein mentioned; which Hole or Opening shall be not less than Two Inches in Diameter, and so contrived, that the Officers may take a Sample or Samples from the Still with a Phial, to be drawn perpendicularly through the same; and also so as that any such Still may be cleansed, subject to such Directions as the said Commissioners of Excise may think fit to give in that Behalf; and proper Locks and Fastenings shall be provided and maintained by the proper Supervisor of the District, at the Expence and Charge of every such Distiller, Rectifier or Compounder, for properly and sufficiently locking and securing the said Hole or Opening, and for securing the Head of each and every Still and the Furnace Door of each and every Still respectively used by such Distiller, Rectifier or Compounder, which Locks and Fastenings shall be locked and sealed by the proper Officer of Excise; and if any Still shall be set up or used in the Distillery of any such Distiller, Rectifier or Compounder, in the Breast whereof such Hole or Opening of the Size aforesaid shall not be made; or if any Distiller shall not observe the Directions that may be given by the said Commissioners of Excise as aforesaid; or if such Locks and Fastenings shall not be paid for and maintained as aforesaid; or if the Officer shall be prevented or hindered by any Person in the Distillery of such Distiller, Rectifier or Compounder, from affixing any Lock or Fastening as aforesaid; or if any of the Locks, Seals and Fastenings as aforesaid, shall be wilfully and injuriously opened, broken or damaged; or if by any Means, Device or Contrivance whatsoever, any Furnace Door, or any Fastening on the Head of any Still, or on the Hole or Opening in the Breast of any Still in the Distillery of any Distiller, Rectifier or Compounder, shall be wilfully and injuriously opened by any such Distiller, Rectifier or Compounder, or by any Person in his, her or their Employ, or under his, her or their Command, after the same shall have been locked and secured by the Officer of Excise; every such Distiller, Rectifier or Compounder shall, for every such Offence or Neglect respectively, forfeit and lose the Sum of Two hundred Pounds.

Diameter thereof.

Distillers to maintain Fastenings.

Obstructing Officer, damaging Locks, &c.

Penalty, 200l.

Rectifiers or Compounders having Conveyances to or from Stills not hereby permitted, not paying for Locks and Fastenings, or opening or breaking Locks or Fastenings.

LXX. And be it further enacted, That no Rectifier or Compounder of Spirits, licensed under this Act, shall have or keep any Opening, fixed Pipe or other Conveyance whatever, leading to any Still or Stills belonging to or used by such Rectifier or Compounder, other than and except one Charging Pipe to each such Still, and one Hole or Opening made according to the Directions of this Act, to the Intent that the Officers of Excise may take Guages and Samples; nor shall have or keep any Opening, fixed Pipe or other Conveyance whatever, leading from any such Still or Stills, save and except the Discharge Cock to each Still respectively belonging, and the Head of such Still terminating in the Worm; and proper Locks and Fastenings shall be provided and maintained by the proper Supervisor of the District, at the Expence

and Charge of every such Rectifier or Compounder, for properly and sufficiently locking and securing the Charge and Discharge Cock of each and every Still respectively used by such Rectifier or Compounder, which Locks and Fastenings shall be locked and sealed by the proper Officer of Excise, and shall be and remain always so locked and sealed when the Still is at Work; and if any such Rectifier or Compounder shall have or keep any such Opening, fixed Pipe or other Conveyance (not before excepted), leading to or leading from such Still or Stills, or shall refuse to pay for and maintain such Locks and Fastenings as aforesaid, or shall prevent or hinder the Officer from affixing any Lock or Fastening as aforesaid, or shall wilfully open, break or damage, or cause or suffer to be opened, broken or damaged, any of such Locks, Seals or Fastenings as aforesaid; every such Rectifier or Compounder shall, for every such fixed Pipe, Opening or Conveyance (not before excepted), and for every such Lock, Seal or Fastening, forfeit and lose the Sum of Two hundred Pounds.

Penalty, 200l.

Discharge Cock to be fixed in Body of Still to which it belongs, projection thereof from Body of Still and Brickwork on which it is placed.

LXXI. And be it further enacted, That the Discharge Cock belonging to each and every Still of such Distiller, Rectifier or Compounder of Spirits, licensed under this Act, shall be so fixed and placed in the Body of the respective Stills, as that the Officers of Excise may have free and convenient Access to the same; and for that Purpose every such Discharge Cock shall be continued in a straight Line from the Body of the Still to which it is fixed, and such Discharge Cock shall not, in any case, project more than Three Feet from the Body of any such Still, nor more than Eighteen Inches from the Brickwork or other Materials whereon the said respective Still or Stills shall be erected or placed; and if any such Distiller, Rectifier or Compounder shall fix or place the Discharge Cock of any Still otherwise than as herein directed, or shall in any respect offend in any of the Matters or Things aforesaid, every such Distiller, Rectifier or Compounder shall for every such Offence forfeit and lose the Sum of One hundred Pounds.

Penalty, 100l.

Distillers, &c. to have the Keys of Charge and Discharge Cocks made and constructed in manner herein mentioned.

LXXII. And be it further enacted, That the Keys of every Charging Cock and of every Discharge Cock, that shall be made use of by any Distiller, Rectifier or Compounder of Spirits, licensed under this Act, for charging or for discharging and emptying any Still or Stills, or any entered Back, Vessel or Utensil, respectively made use of by such Distiller, Rectifier or Compounder, shall be had, made and constructed in manner following, and in no other Form or Manner whatever; that is to say, the Key of each and every such Cock shall be made with an open Eye or Hole in the Top Part thereof, and every such Eye or Hole shall be of such a Size as to be capable of receiving a Lever sufficient to turn the respective Cock or Cocks at the Times when the Officers shall have Occasion to turn the same in Execution of the Powers and Authorities to them given for that Purpose; and every such Key of every such Cock and Cocks shall be of One Piece; and such Charging Cocks and Discharge Cocks respectively shall not have any Hole or Place of Discharge but at the Mouth only; and no such Distiller, Rectifier or Compounder shall, for any purpose or on any Pretence whatsoever, fix or place or suffer to be fixed or placed any Grate, Strainer or any other Thing whatsoever, on or before the Mouth of any such Charge Cock or of any Discharge

charge Cock; but the Mouth of each and every such Cock shall be left free and clear from every Thing that can or may prevent the Officers of Excise from searching and examining the Inside of the Mouth or Opening of each and every such Cock; and no such Distiller, Rectifier or Compounder shall have or keep any Iron or other Cap or Covering upon any such Cock, so as to prevent the Officers of Excise from distinctly seeing and easily examining every such Cock: and if any such Distiller, Rectifier or Compounder, shall make use of, or shall fix or place any Charge Cock or Discharge Cock to any Still or Stills, or to any other entered Backs, Vessels or Utensils, of any other Construction or Make than that hereinbefore mentioned, or shall in any respect offend in any of the Matters or Things aforesaid, then and in every such case every such Distiller, Rectifier or Compounder, shall for each Offence respectively forfeit and lose the Sum of One hundred Pounds.

Not to keep Cap or Covering on such Cock, so as to prevent Officer from examining.

Penalty, 100l.

LXXIII. And be it further enacted, That whenever any Distiller, Rectifier or Compounder of Spirits, licensed under this Act, shall be desirous to have the Furnace Door of any Still or Stills in the Distillery of such Distiller, Rectifier or Compounder unlocked, and to have a Fire lighted under such Still or Stills, such Distiller or Rectifier or Compounder shall give or cause to be given to the proper Officer of Excise, under whose Survey such Distiller, Rectifier or Compounder shall then be, a Notice in Writing at least Twelve Hours before the particular Time and Hour of the Day or Night when such Distiller, Rectifier or Compounder is desirous to have such Fire lighted; and in case any such Distiller, Rectifier or Compounder shall not have a Fire lighted under such Still or Stills at the Time and Hour mentioned in such Notice, or within Two Hours next after the Expiration of such Time and Hour, then every such Notice shall be and is hereby declared null and void; and every such Distiller, Rectifier or Compounder shall be obliged to give another like Notice in Writing before the Officer shall be bound to open the Furnace Door of any such Still or Stills as aforesaid.

Distillers, &c. to give Notice in Writing to Officer of Excise, of having Furnace Doors of Stills opened and Fires lighted.

Notice renewed.

LXXIV. And be it further enacted, That the Officers of Excise shall from time to time attend agreeably to such Notice so to be given as before directed, or at farthest within One Hour after the particular Time or Hour mentioned in any such Notice, and such Officer shall open the Furnace Door of any Still mentioned in such Notice: Provided always, that such Officer shall not on any Pretence open the Furnace Door of any Still belonging to any Rectifier or Compounder of Spirit which shall not be fully charged, nor until he hath examined the Contents of such Still or Stills, and hath seen the Head or Heads of such Still or Stills respectively actually put on and ready to be locked down, and that such Officer when attending on any such Notice, at the Stillhouse of any such Rectifier or Compounder, shall not be obliged to continue more than One Hour at any one Time; and if such Rectifier or Compounder shall not within that Time have charged the Still or Stills mentioned in such Notice, and have put on the Head or Heads of such Still or Stills respectively, so as such Head be ready to be locked down, every such Rectifier and Compounder shall be obliged to give another like Notice in Writing before the Officer shall be

Directions relative to Officer's Attendance for opening Furnace Doors of Stills.

Notice renewed.

obliged to attend again to open the Furnace Door or Doors of any such Still or Stills.

Rectifiers or Compounders not charging Stills as herein directed, or not working them off within Eight Hours.

LXXV. And be it further enacted, That every such Rectifier or Compounder of Spirits shall, before beginning to draw off any Spirit from any Still or Stills, charge the same with a Quantity of Liquor, in the proportion of not less than Seven Parts in Ten of the Whole Quantity of Liquor which any such Still, including the Head, is capable of containing; and every such Still shall remain and continue so charged until the Rectifier or Compounder shall begin to draw off Spirits therefrom; and every such Still shall be worked off within Eight Hours, to be computed from the Time of the Officers taking the Guage of the Still or Stills respectively; and if any such Rectifier or Compounder shall begin to draw off any Spirits from any Still or Stills not so charged, or shall not work off the same respectively within such Eight Hours, such Rectifier or Compounder shall forfeit and lose the Sum of One hundred Pounds.

Penalty, 100l.

Proviso for charging Stills with any Proportion of Liquor.

LXXVI. Provided always, and be it further enacted, That it shall and may be lawful for any Distiller of Spirits, licensed under this Act, to charge any Still or Stills in the Distillery of such Distiller, with any Proportion of Wash, Low Wines or Feints, and to work off any Still or Stills when charged with Wash, Low Wines or Feints, within any such Period of Time as such Distiller shall think proper and convenient.

Rectifiers or Compounders to cause Heads of Stills to be taken off, upon ceasing to be worked, &c.

LXXVII. And be it further enacted, That every such Rectifier or Compounder of Spirits shall take off or cause to be taken off the Head or Heads of any Still or Stills when and so soon as any such Still or Stills shall have ceased to be worked, and the Head or Heads of such Still or Stills shall in no case, nor on any Pretence, or on any Account, be put on such Still or Stills until each such Still shall be again charged and ready to work, nor until the Officer shall have examined the Quality of the Spirits then in each such Still; and if any such Rectifier or Compounder shall neglect to take off each and every Head from each respective Still when and so soon as each such Still shall have ceased to be worked, or shall in any case, or on any Pretence or Account whatsoever, put on any such Head or Heads on any Still or Stills before such Still or Stills shall be charged and ready to work, and before the Officer shall have examined the Quality of the Spirits then in such Still or Stills; every such Rectifier and Compounder so offending shall for each and every such Offence forfeit and lose the Sum of One hundred Pounds.

Penalty, 100l.

Officers of Excise may take Still Gauges, and Samples.

LXXVIII. And be it further enacted, That it shall and may be lawful for the Officers of Excise, and they are hereby authorized and required to take Still Gauges, when they shall deem it necessary so to do, of all Liquors of any Kind whatsoever, which shall be put into any Still or Stills belonging to any Distiller, Rectifier or Compounder of Spirits licensed under this Act, at any Time or Times after any Still is charged, and before such Still has begun to work, and to take Samples of such Liquors at any Time or Times after such Still is charged, and before such Still has begun to work, and also after such Still or Stills are worked off; and if any Officer of Excise shall at any Time discover in any Still in the Distillery of any such Distiller, Rectifier or Compounder, any

Mixing Wash with Low Wines, &c. in Still, &c.

Wash

Wash put into or mixed with any Low Wines, Feints or Spirits, every such Distiller, Rectifier or Compounder shall for every such Offence, over and above all other Penalties, forfeit and pay the Sum of Five hundred Pounds. Penalty, 500l.

LXXIX. And be it further enacted, That if any Distiller, Rectifier or Compounder of Spirits, licensed under this Act, shall proceed to distil, rectify or compound Spirits, before such Distiller, Rectifier or Compounder respectively shall have found and affixed proper and sufficient Fastenings, Locks and Keys, provided, certified and approved of in Writing by the proper Supervisor of the District, for locking and securing every Vessel, Utensil, Conveyance, Cock, Pipe, Pump, Article and Thing required in pursuance of the Directions of this Act to be so locked and secured, every such Distiller, Rectifier or Compounder shall, for each and every Neglect, Refusal or Offence in any such Particular, forfeit and lose the Sum of Two hundred Pounds. Distiller, &c. distilling Spirits before Fastenings found for securing Utensils. Penalty, 200l.

LXXX. Provided always, and be it further enacted, That when and so often as it shall be found necessary to have any Lock or Fastening opened, for the Purpose of cleaning, repairing or amending any Vessel, Utensils, Conveyance, Cock, Pipe, Pump, Article or Thing required by this Act to be locked and secured, or either of them, then and in every such case it shall be lawful for the Officers of Excise to open the same for all the time the Workmen shall be actually employed in cleaning, repairing and amending the same; but in such case the Officers shall lock and secure every Still Head, Wash Pump and Furnace Door belonging to any Still every Night, when and as soon as the Workmen so employed shall leave off their Work; and such Officers shall attend at Six o'Clock each Morning, whilst such Repairs are doing, in order to open such Still Heads, Wash Pumps and Furnace Doors. Officers to open Locks and Fastenings for cleaning or repairing Utensils.

LXXXI. And be it further enacted, That it shall and may be lawful for any Distiller licensed under this Act, upon giving Notice in Writing to the proper Officer of Excise, as required and directed by this Act, to alter or enlarge the Size or Capacity of any Still or Stills used or employed in the Distillery of such Distiller, or to erect a new Still or Stills, without taking out a fresh Licence for the same, during the unexpired Term of any Licence of such Distiller then in force; provided that due Entry of such Still or Stills shall be made, pursuant to the Directions and in manner hereinbefore mentioned with respect to any Still or Stills; and provided also, that in every such case such Distiller shall apply to the Commissioners of Excise, or to the Person or Persons appointed by them, and authorized to grant Licences, or to the Collector and Supervisor of Excise, within whose Collection and District such Distiller or Distillers shall reside; and the said Commissioners or other Persons, or such Collector or Supervisor, shall endorse on the original Licence granted to any such Distiller the Size or Capacity of such Stills when so altered or enlarged, or of any new Still or Stills erected and set up by any such Distiller, together with the Time when such Alteration or Enlargement took place, or when any new Still or Stills was or were erected; and if any such Distiller or Distillers shall alter or enlarge any Still, or shall erect any new Still, without complying with the Particulars afore- Proviso for Distillers upon notice altering or enlarging Stills, and erecting new Stills, without taking out a fresh Licence, upon complying with the Conditions herein contained. Penalty.

aforesaid, such Distiller shall be liable to all the Penalties imposed by this Act for working with unlicensed Stills.

Distillers may discontinue working of Stills on Notice to Officer.

LXXXII. And be it further enacted, That it shall and may be lawful for any Distiller licensed under this Act, at any Time to discontinue the working of any Still or Stills in the Distillery of such Distiller, at any Time during the Continuance of the Licence of such Distiller, upon giving Four Days' previous Notice in Writing to the proper Officer of Excise, of the Intention of such Distiller so to do, expressing in such Notice the Day on which the working of such Still or Stills is to be discontinued.

How Excess of Spirits from Wash charged on Discontinuance of working, or at the End of every 12 Weeks.

LXXXIII. And be it further enacted, That in case any Distiller shall not give Notice for discontinuing the working of any Still or Stills in his Distillery, atsome Period before the Expiration of Twelve Weeks from the Time when he shall have first commenced the working of such Still or Stills, or from the Time when he shall have recommenced the working of any such Still or Stills, after having discontinued the working of the same; every such Distiller shall, at Ten of the Clock in the Evening of the last Day of every Twelfth Week successively from the Commencement or Recommencement of working as aforesaid, cause every Still or Stills used by such Distiller to be worked off, and shall also at the same Time cause all the Low Wines and Feints in the Possession of such Distiller, to be worked up and distilled into Spirits, except the Feints arising from the last Charge of the Low Wine Still; and if such Distiller during any such successive Period of Twelve Weeks as aforesaid, or during any shorter Period for which he may have worked any Still or Stills, shall have distilled, made or produced any Quantity of Spirits, exceeding the Quantity of Spirits to be produced, according to the Directions of this Act, in Proportion to the Gravity of the Wort or Wash made by such Distiller, and specified in the Licence of such Distiller; every such Distiller shall be charged with, and shall pay the Duties imposed by this Act on such Excess Quantity of Spirits, according to the several Rates in this Act beforementioned and expressed.

Working Stills on Sunday.

LXXXIV. And be it further enacted, That if any Distiller, Rectifier or Compounder of Spirits, licensed under this Act, shall work or charge any Still on the Lord's Day, commonly called *Sunday*; (that is to say), if any Still shall not be completely discharged and worked off at or before Eleven of the Clock on *Saturday* Night, and shall not continue uncharged until One of the Clock on *Monday* Morning following; or if any Still or Stills shall be found charged or at work, or filled with any Liquid other than Water, between the Hours of Eleven of the Clock on *Saturday* Night and One of the Clock on *Monday* Morning, then every such Distiller, Rectifier or Compounder, in whose Premises such Offence shall be committed, shall forfeit and lose the Sum of Five Hundred Pounds for each Offence, and for every Time any Stills shall be worked or charged on *Sunday*, or between the Hours aforesaid.

Penalty, 500l.

Pipe, &c. not to be fixed to End of Worm of Still, &c.

LXXXV. And be it further enacted, That no Pipe or other Conveyance shall be fixed or fastened, in the Distillery of any Distiller licensed under this Act, to the End of any Worm belonging to any Still in the Distillery of such Distiller, but that the End of the Worm belonging to each and every Still in such Distillery shall be

be left open and free, for the Officers of Excise to taste and examine the Low Wines, Feints and Spirits respectively coming from such Still or Stills; and the Low Wines, Feints and Spirits so coming from the Ends of the said respective Worms, shall openly and publicly run into a fixed open Safe, or other fixed open Vessel kept for that Purpose, which open Safe, or open Vessel shall be so made and constructed as that the Sides and Ends thereof shall be of the same Depth, and that the Ends of the said respective Worms shall project through One of the Sides of the said Safe or other open Vessel; and if any such Pipe or other Conveyance shall be fixed or fastened in the Distillery of any such Distiller to the End of any Worm of any Still in such Distillery; or if the Low Wines, Feints or Spirits shall run from the End or Ends of the Worm or Worms of any Still in such Distillery into any other Vessel than a fixed Safe, or other fixed open Vessel kept for that Purpose; or if such Safe or open Vessel shall not be made and constructed in the manner aforesaid; every such Distiller or Distillers shall for each and every such Offence respectively forfeit and lose the Sum of Two hundred Pounds.

Safe, &c. improperly constructed.

Penalty, 200*l.*

LXXXVI. And be it further enacted, That there shall be provided and kept in the Distillery of every Distiller licensed under this Act, one entered Vessel, called a Low Wine Receiver, and one other Vessel called a Feint Receiver, and no such Distiller shall have more than One Low Wine Receiver and Two Feint Receivers in such Distillery; and every such Receiver shall have a sufficient Cover therein, and a Dipping Hole cut in the said Covers respectively, of not more than One Inch in Length, and Three tenths of an Inch in Breadth; and the said Receivers shall be of sufficient Size to contain the whole Quantity of Low Wines and Feints respectively, which shall be run from any Still or Stills in the Distillery of such Distiller, at any time during the Space of Four Hours at the least; and every such Distiller shall place and fix every such Low Wine Receiver and Feint Receiver in the Stillhouse, and as near as conveniently may be to the End or Ends of the Worm or Worms of the Still to which such Receiver respectively shall apply or belong; and the said Receivers shall not be hidden or concealed, but shall be exposed to the open View of the Officers of Excise, and shall not have any Pipe or other Communication with any Vessel or Utensil whatsoever, except by means of one close Metal Pipe into each of the said Receivers leading from the fixed Safe or other fixed open Vessel before mentioned, for the Receipt of such Low Wines or Feints from the Still or Stills, one End of which Pipe shall be fixed to such Safe or open Vessel, and the other End thereof shall be fixed to the Low Wine Receiver and Feint Receiver respectively; and except the fixed Pump placed in such Low Wine Receiver and Feint Receiver respectively, for conveying the Low Wines and Feints therefrom to a Vessel or Vessels called a Low Wine Charging Back and a Feint Charging Back, hereinafter mentioned; and all the Low Wines distilled from Wash put into any Still or Stills in the Distillery of such Distiller, shall be run immediately and directly from such Safe or open Vessel into such Low Wine Receiver; and all the Feints extracted from the Low Wines put into any Still or Stills shall be run immediately and directly

Receivers to be provided for Low Wines and Feints produced from Stills;

Directions for placing the same, &c.

Strength of Low Wines and of Feints to be tried.

rectly from such Safe or open Vessel into such Feint Receiver or Receivers, as the case may be; and when and so soon as the whole Quantity of such Low Wines and Feints respectively, which shall have been run into the said Low Wine and Feint Receivers during the Space of Four Hours at the least, shall be collected therein, the proper Officer of Excise shall take a true Gauge and try the Strength of such Low Wines and Feints respectively, and shall cast and compute the same at the Strength of Seven *per Centum* above Hydrometer Proof, and shall keep an exact Account thereof; and such Officer of Excise shall take such Gauge and try the Strength immediately, at the Time and Hour mentioned by any such Distiller in his Notice in Writing, as hereinafter mentioned; and it shall not be lawful for any such Distiller or Distillers at one and the same time to have, keep or continue in any such Low Wine Receiver as aforesaid, any Low Wines distilled from Wash made or prepared in different fermenting Wash Backs, or any Feints in such Feint Receiver as aforesaid, extracted from Low Wines distilled from Wash made or prepared in different fermenting Wash Backs, except the Feints extracted from the last Charge of Low Wines distilled from Wash made or prepared in any one individual Wash Back, and such Feint not being of sufficient Quantity for a Charge of the Low Wine Still; and if such Low Wine Receiver or Feint Receiver as is hereinbefore required and described, shall not be provided in the Distillery of any Distiller licensed under this Act, or shall not be placed in such Distillery in manner before required, or shall have any Pipe or Communication with any other Vessel or Vessels, Utensil or Utensils, except as before mentioned, or shall have any open Hole other than the Dipping Hole in the Covers thereof respectively, of the Dimensions aforesaid; or if any Low Wines or Feints shall not be run or conveyed into the Low Wine and Feint Receivers respectively, or shall not be collected, pumped and conveyed in manner hereinbefore required; or if any Low Wines distilled from Wash made or prepared in different fermenting Wash Backs shall be kept at one and the same Time in such Low Wine Receiver; or if any Feints extracted from Low Wines distilled from Wash made or prepared in different fermenting Wash Backs shall be kept at one and the same Time in such Feint Receiver, save and except as is hereinbefore excepted; and if any Distiller shall in any respect offend in any of the Matters and Things aforesaid, then and in each and every such case such Distiller so offending shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Regulations not observed.

Penalty, 200*l.*

Distillers not fixing Pumps in Low Wine and Feint Receivers for emptying, and not paying for Locks and Fastenings;

LXXXVII. And be it further enacted, That in the Distillery of every Distiller licensed under this Act, there shall be provided, placed and fixed, a proper Pump in every Low Wine Receiver, and in every Feint Receiver, for the Purpose of emptying the said Receivers respectively; and proper Locks and Fastenings shall be provided and maintained by the proper Supervisor of the District, at the Expence and Charge of every such Distiller, for properly and sufficiently locking and securing such Pumps respectively, and for locking and securing the Cover or Covers of such Low Wine Receiver and Feint Receiver respectively, which Locks and Fastenings shall be locked and sealed by the proper Officer of Excise, and shall be and remain always so locked and sealed, excepting when

when the same shall be opened by the proper Officer of Excise, pursuant to a written Notice from such Distiller, as hereinafter mentioned; and if such Pump shall not be provided, placed and fixed in the Low Wine Receiver and Feint Receiver respectively, in the Distillery of such Distiller as aforesaid, or if such Locks and Fastenings shall not be paid for and maintained as aforesaid, or shall be wilfully or injuriously opened, broken or damaged, or if any other Art or Contrivance shall be used or put in practice, whereby any Materials fit for Distillation may or can be privately conveyed into any Low Wine Receiver or Feint Receiver respectively, in the Distillery of any Distiller, or any Low Wines or Feints may or can be privately conveyed away from any such Low Wine Receiver or Feint Receiver respectively, every such Distiller shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

opening, breaking, &c. such Lock or Fastening, &c.

Penalty, 200l.

LXXXVIII. And be it further enacted, That all and every Part of the Low Wines distilled from Wash, and all and every Part of the Feints extracted from Low Wines by any Distiller, before the same respectively are put into any Still for Distillation into Spirits, shall be conveyed from the Low Wine and Feint Receivers before mentioned into an entered Vessel, called a Low Wine Charging Back, which shall have a sufficient Cover thereon, and a Dipping Hole cut in the said Cover, for the Purpose of enabling the Officers of Excise to take the Guages thereat, which Dipping Hole shall not be more than One Inch in Length, and Three tenths of an Inch in Breadth; and such Low Wine Charging Back shall not have any Pipe or Communication with any Vessel or Vessels, Utensil or Utensils whatsoever, other than and except the said Low Wine and Feint Receivers, by means of the fixed Pumps therein, and One Close Metal Pipe leading from each of the said Pumps, which Pipes respectively shall have one End thereof firmly fixed to one of the said Pumps, and the other End thereof firmly fixed to the said Low Wine Charging Back; and except another close Metal Pipe for conveying the Low Wines and Feints into the Still, having one End thereof firmly fixed to the Bottom of the said Low Wine Charging Back, and the other End thereof firmly fixed to the Still, and on which Pipe there shall be a Charging Cock, the Key of which shall be of one Piece, and so rivetted into the Cock, of which it is a Part, as to prevent the same from being taken out of the Body of such Cock; and such Low Wine Charging Back shall in all cases be placed in the Stillhouse, and not hidden or concealed, but exposed to open view, and accessible to the Officers of Excise on all Parts thereof, and shall also be placed as near as conveniently may be to the Still or Stills to which it forms the means of Charge, and shall be capable of containing the whole Quantity of Low Wines and of Feints at any Time conveyed into the Low Wine and Feint Receivers respectively, whenever such Distiller or Distillers shall be desirous of mixing such Low Wines and Feints in the said Low Wine Charging Back; or if not, then such Low Wine Charging Back shall be capable of containing the whole Quantity, either of such Low Wines or of such Feints respectively as are contained at any Time in the Low Wine or Feint Receivers; and it shall be lawful for any such Distiller to distil Low

Low Wines and Feints, before being put into any Still, to be conveyed into an entered Vessel, called Low Wine Charging Back, which shall have no Communication but such as is herein described.

To be placed openly.

Low Wines and Feints, either separately or mixed together, as such Distiller may think proper, provided that such Low Wines and Feints are mixed together in the Low Wine Charging Back only, and that only after the Officer has gauged and taken a separate Account thereof in the Low Wine and Feint Receivers, and has ascertained the Strength of such Low Wines and Feints respectively; and a proper Lock and Fastening, or proper Locks and Fastenings, shall be provided and maintained by the proper Supervisor of the District, at the Expence and Charge of every such Distiller, for properly and sufficiently locking and securing the Cover of the said Low Wine Charging Back, which Locks and Fastenings shall be locked and sealed, by the proper Officer of Excise, and shall be and remain always so locked and sealed, excepting when the same shall be opened by the proper Officer of Excise for the Purpose of taking a Sample or Samples, which it shall be lawful for such Officer to do when and so often as he may think fit; and if any such Vessel, called a Low Wine Charging Back, with such Cover and Dipping Hole as aforesaid, shall not be provided in the Distillery of any Distiller; and if all and every Part of the Low Wines and Feints shall not be pumped and conveyed from and out of the Low Wine and Feint Receivers into such Low Wine Charging Back, before the same are put into any Still or Stills for Distillation into Spirits as aforesaid; or if there shall be any open Hole in the said Low Wine Charging Back, other than the Dipping Hole, or any Pipe or Communication with any Vessel or Vessels, Utensil or Utensils, other than as aforesaid; or if such Pipes as aforesaid shall not be provided, or the Key of the Charging Cock shall not be rivetted as aforesaid; or if such Low Wine Charging Back shall not be placed in the Stillhouse, and in the manner aforesaid; or if such Charging Back shall not be of the Size or Capacity as aforesaid; or if any of such Locks and Fastenings shall not be paid for and maintained as aforesaid; or shall be wilfully and injuriously opened, broken or damaged; or if any other Art or Contrivance shall be used or put in Practice, whereby any Sort of Materials fit for Distillation may or can be privately conveyed into such Low Wine Charging Back; or any Low Wines or Feints privately conveyed away or out of such Low Wine Charging Back; or if any Low Wines distilled from Wash, made or prepared in different fermenting Wash Backs, or any Feints extracted from Low Wines distilled from Wash made or prepared in different fermenting Wash Backs (except as is hereinbefore excepted), shall be kept at one and the same time in such Low Wine Charging Back; then and in each and every such case, the Distiller in whose Distillery such Offence be committed, shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Distillers not complying with Regulations herein mentioned.

Penalty, 200l.

Distiller may set up a separate Feint Charging Back.

LXXXIX. Provided always, and be it enacted, That no Distiller or Distillers shall be subject or liable to any Penalty under this Act, for not providing and fixing a Pipe leading from the Pump placed in the Feint Receiver to the Low Wine Charging Back before mentioned, or for pumping or conveying the Feints from the Feint Receiver to such Low Wine Charging Back, if such Distiller shall erect a separate Charging Back for containing Feints only; and in every such case it shall be lawful for such Distiller to erect

erect a Feint Charging Back for receiving the Feints from the Feint Receiver, after the Officer has gauged and taken an Account of the same in the said Feint Receiver, and has ascertained the Strength thereof; and every such Feint Charging Back shall have a Cover and a Dipping Hole cut therein, to enable the Officers of Excise to take their Gauges thereout, which Dipping Hole shall not be more than One Inch in Length, and Three tenths of an Inch in Breadth, and such Feint Charging Back shall not have any Pipe or other Communication with any Vessel or Vessels, Utensil or Utensils whatsoever, except the said Feint Receiver, by means of the fixed Pump therein, and a close Metal Pipe leading from the said Pump, having one End thereof firmly fixed to the said Pump, and the other End thereof firmly fixed to the said Feint Charging Back, and except the Pipe for conveying the Feints from such Feint Charging Back to the Still, one End of which Pipe shall be firmly fixed to the Bottom of the said Feint Charging Back, and the other End shall communicate with and be attached to the Pipe leading from the Low Wine Charging Back before mentioned to the Still, so as there shall be only One Pipe or Conveyance into any Still, and only One Charge Cock for any Still; and the said Feint Charging Back shall likewise be placed in the Stillhouse, and not hidden or concealed, but exposed to open view, and accessible to the Officers of Excise on all Parts thereof, and shall also be placed as near as conveniently may be to the Still or Stills to which it forms the means of Charge, and shall be capable of containing the whole Quantity of Feints at any Time contained in the said Feint Receiver, and proper Fastenings shall be provided for securing the Cover of the said Feint Charging Back, in the same manner as is directed respecting the Low Wine Charging Back before mentioned; and every such Distiller or Distillers who shall provide such Feint Charging Back, shall comply with all the Rules and Conditions aforesaid in Respect to the Low Wine Charging Back, on Pain of incurring a like Penalty for each and every Offence, except as before excepted; any thing hereinbefore contained to the contrary in any wise notwithstanding.

Directions for the Use of it.

Not observing Regulations.

Penalty.

XC. And be it further enacted, That all and every Part of the Spirits extracted either from Low Wines or Feints, by any Distiller licensed under this Act, shall be immediately and directly run from the Safe or open Vessel before mentioned, for the Receipt of such Spirits from the Still, into a fixed Spirit Receiver, to be provided in the Distillery of every such Distiller, and duly entered and gauged for that Purpose, which Receiver shall be of a Capacity or Size sufficient to contain and hold the whole of the Spirits which shall or may be distilled by such Distiller, at any time during the space of Four Hours at the least, and shall have a Cover thereon, and a Dipping Hole cut in the same of not more than One Inch in Length, and Three tenths of an Inch in Breadth, and shall be placed in the Stillhouse, and as near to the End of the Worm of the Low Wine Still as conveniently may be, and not hidden or concealed, but shall be exposed to the open view of the Officers of Excise; and such Spirit Receiver shall not have any Pipe or other Communication with any Vessel or Vessels, Utensil or Utensils whatsoever, except a close Metal Pipe, having one End thereof firmly fixed to the Safe or open Vessel, and the other End

Receiver to be provided for Spirits run from Stills.

In what manner it shall be used.

End thereof firmly fixed to the said Spirit Receiver for running or conveying the Spirits therein; and in every such Spirit Receiver there shall either be a Pump placed and fixed for emptying the same, or a proper Discharge Cock for drawing off the Spirits from such Receiver; and no such Distiller shall at one and the same time have, keep or continue in such Spirit Receiver any Spirits extracted from Low Wines distilled from Wash made or prepared in different Fermenting Wash Backs; and when and so soon as the whole Quantity of Spirits which any such Distiller shall intend to run into the Spirit Receiver shall be collected therein, the proper Officer of Excise shall take a true Gauge, and draw a Sample, and try the Strength of such Spirits, and shall cast and compute the same at the Strength of Seven *per Centum* above Hydrometer Prooof, and shall keep an Account thereof; and such Officer of Excise shall take such Gauge, and try the Strength immediately at the Time and Hour mentioned by any such Distiller, in the Notice in Writing hereinafter mentioned; and proper Locks and Fastenings shall be provided and maintained by the proper Supervisor of the District, at the Expence and Charge of every such Distiller, for properly and sufficiently locking and securing the Cover, Pump or Discharge Cock of every such Spirit Receiver, which Locks and Fastenings shall be locked and sealed by the proper Officer of Excise, and shall be and remain always so locked and sealed, excepting when the same shall be opened by the proper Officer of Excise, pursuant to such Notice as aforesaid; and if such Spirit Receiver shall not be provided in the Distillery of any Distiller, or shall not be placed as hereinbefore directed; or if all and every Part of the Spirits extracted, either from Low Wines or Feints, shall not be run immediately and directly into such Spirit Receiver in the manner aforesaid, or shall not be kept therein separate and apart from all other Spirits, until the proper Officer of Excise has taken a Gauge and tried the Strength of the same, and charged the Duty thereon; or if any Spirits extracted from Low Wines, distilled from Wash made or prepared in different Fermenting Wash Backs, shall be kept in such Spirit Receiver at one and the same Time; or if there shall be any open Hole, other than the Dipping Hole as aforesaid, in such Spirit Receiver; or if any such Lock or Fastening as aforesaid shall not be paid for and maintained; or if any such Lock, Seal or Fastening shall be wilfully and injuriously opened, broken or damaged; or if any other Art or Contrivance whatsoever shall be used or practised in the Distillery of such Distiller, whereby any Spirits may or can be privately conveyed away from or out of such Spirit Receiver; or if any such Distiller shall offend in any of the Matters or Things aforesaid, then and in each and every such case the Distiller in whose Distillery any such Offence shall be committed, shall for every such Offence respectively forfeit and pay the Sum of Two hundred Pounds.

Officer to take Gauge and draw Sample, &c.

Locks and Fastenings provided at Expence of Distiller.

Distillers not complying with Regulations herein mentioned,

or practising any Contrivance, &c.

Penalty, 200l.

Notices for pumping Low Wines, Feints, and Spirits given to the Officer.

XCI. And be it further enacted, That every such Distiller shall make out and deliver, or cause to be made out and delivered to the proper Officer of Excise a Notice in Writing, at least Four Hours before the particular Time and Hour when it is intended to pump off and convey any Low Wines, Feints or Spirits, from the respective Low Wine, Feint and Spirit Receivers; and the Officer shall

shall from time to time attend at the Time and Hour mentioned in such Notice, and shall take a Gauge of such Low Wines, Feints or Spirits respectively, and shall draw a Sample or Samples and ascertain the Strength thereof, and shall open the Locks and Fastenings of such Low Wine, Feint or Spirit Receivers respectively, and shall attend until all the Low Wine, Feints and Spirits respectively shall be pumped off and conveyed from the said Receivers, and shall then lock and secure the same as before: Provided always, that it shall not be lawful for any such Distiller to give such Notice for pumping and conveying any Low Wines, Feints or Spirits from the said respective Receivers oftener than once in Four Hours, and that any Notice given to the Officers of Excise contrary hereto, shall be and the same is hereby declared to be null and void.

In what case Notice void.

XCII. And be it further enacted, That no Spirits whatever shall be sent out of the Stock, Custody or Possession of any Distiller, Rectifier or Compounder of Spirits licensed under this Act, nor shall be removed from the Distillery, Still House, Building or other Place wherein the same were made or manufactured, or rectified or compounded or kept, nor shall be carried from one Place to another, by Land or by Water, without a Permit granted and signed by the proper Officer of Excise of the Division, upon a Request Note, subscribed by such Distiller, Rectifier or Compounder respectively, or by some Person on his Behalf, and delivered to such Officer, specifying therein the Quantity, Quality and Strength of such Spirits, and whether the same are Raw *British* Spirits, rectified *British* Spirits, *British* Brandy, Spirits of Wine or *British* Compounds, and also specifying the Casks or other Vessels containing the same, the Person from whom, the Person to whom, and the Place where such Spirits are to be sent, and by what Mode of Conveyance the same are intended to be sent, and whether by Land or by Water; which Permit shall be made to correspond in respect to all the Particulars aforesaid with such Request Note; and a reasonable Time shall be limited and specified in every such Permit, within which such Permit is to be in force; and no Permit shall be valid or of any effect if the same shall be granted or any Request Note not made conformably to the Directions of this Act; and all Spirits which shall be sent out, removed or carried, or found removing or carrying without such Permit as aforesaid, together with the Casks, Vessels and other Packages containing the same, and also the Boats and other Vessels, and the Horses and other Cattle and Carriages made use of in the Removal or Conveyance thereof, shall and may be seized by any Officer or Officers of Excise; and if any such Distiller, Rectifier or Compounder, shall send or carry, or knowingly permit or suffer to be sent or carried, any Spirits whatsoever, from or out of the Stock, Custody or Possession of such Distiller, Rectifier or Compounder respectively, or from or out of the House, Building, Work or other Place, wherein such Spirits were made, manufactured, rectified, compounded or kept, without such Permit as aforesaid, or with any Permit not corresponding to such Spirits in Quantity, Quality or Strength, every such Distiller, Rectifier or Compounder shall, over and above the Forfeiture of the said Spirits, if seized, forfeit and lose the Sum of Twenty Shillings for every Gallon *English* Wine Measure, of the

Removing Spirits without a Permit, Forfeiture with the Vessels, &c. and Penalty 20s. per Gallon.

Description of Permit.

Seizure of Boats, Carts, Horses, &c.

and Penalty.

Spirits so sent out, carried or conveyed, of whatever Strength the same may be, and whether the said Spirits shall or shall not be seized.

Officers of Excise may stop Persons removing or carrying Spirits, and examine Permits.

XCIII. Provided always, and be it enacted, That it shall and may be lawful for any Officer or Officers of Excise to stop and detain any Person or Persons who shall be found removing or carrying any Spirits of any Kind from the Stock of any Distiller, Rectifier or Compounder, or Dealer in or Retailer of Spirits in *Scotland*, or from the Stock of any Person or Persons whatsoever, and to demand the Production of the Permit or Permits accompanying such Spirits; and on being satisfied that the Spirits are the same in Quantity, Quality and Strength, as expressed in such Permit or Permits, † that the Duty payable by Law in respect thereof shall have been paid for the same, such Officer or Officers shall endorse on such Permit or Permits the Time, Hour and Place of such Examination, and shall sign his or their Name or Names thereto; and if any Person or Persons so found removing or carrying any such Spirits, shall refuse to produce such Permit or Permits as aforesaid, immediately on being required so to do by any Officer or Officers of Excise for the Purposes aforesaid, or shall be found removing or carrying any Spirits without a Permit, every such Person shall, for every such Offence, forfeit and lose the Sum of One hundred Pounds; and it shall be lawful for such Officer or Officers, and he and they is and are hereby authorised, empowered and required to stop, arrest and detain every such Person or Persons, and to convey the said Person or Persons, together with the Spirits so found removing or carrying by or with him or them, before One or more of His Majesty's Justices of the Peace residing near to the Place where any such Person shall be so stopped or arrested; and it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby required, and shall have full Power and Authority, to hear and determine forthwith any Information against any such Person or Persons so stopped or arrested under the Provisions of this Act, and on the Confession of any such Person or Persons, or upon Proof on Oath by One or more credible Witness or Witnesses, to convict such Person or Persons in such Penalty respectively as aforesaid; and no such Penalty shall be mitigated by any Justice or Justices below One fourth Part thereof; and every such Person so convicted as aforesaid, shall immediately on such Conviction pay down into the Hands of such Officer the said Penalty in which he or they shall be so convicted; and if any such Person or Persons so convicted shall not forthwith pay down the said Penalty, the said Justice or Justices shall, and he and they is and are hereby respectively authorised and required, by Warrant under his or their Hand and Seal, to commit the Person so convicted as aforesaid to any Gaol or Prison of the County, there to remain for the Space of Six Calendar Months, unless such Penalty be sooner paid.

† *Sic.*

Refusing to produce Permits, &c.

Penalty, 100*l.*

Officer may take Offender before a Justice of Peace.

Proceedings.

Mitigation of Penalty.

Imprisonment.

Sending out Spirits different from Permit, or acting as herein mentioned, to evade or frustrate Permit.

XCIV. And be it further enacted, That if any Distiller, Rectifier or Compounder of Spirits licensed under this Act, or any Dealer in or Retailer of Spirits in *Scotland*, shall deliver, remove or receive any Spirits, for the Removal of which a Permit is by Law required, without such Permit, or any greater Quantity of Spirits, or of a different Kind or Quality than shall be expressed in such Permit, or having obtained such Permit, shall not send out

out therewith the Spirits therein described, or return the said Permit within the Time now by Law required; or if any Distiller, Rectifier, Compounder, Dealer or Retailer, or any other Person or Persons, shall sell, lend, deliver or employ, or make use of any such Permit, or shall cause or suffer any such Permit as aforesaid to be sold, lent, delivered, employed or made use of, to or for any other Use or Purpose whatsoever, than to accompany the actual Removal of the Spirits for which the same was obtained and granted, and which shall be therein expressed or described, or shall produce or cause or suffer any such Permit to be produced to any Officer or other Person, as having been received with any Spirits other than as aforesaid, or shall in any manner use or employ, or cause or suffer to be used or employed, any Permit, so as that any Account of Spirits kept or checked, or to be kept or checked, by the Officer or Officers of Excise by such Permit, shall or may be frustrated or evaded, every such Distiller, Rectifier, Compounder, Dealer, Retailer or other Person or Persons shall, for every such Offence, severally forfeit and lose the Sum of Five hundred Pounds, over and above all other Penalty and Penalties, Forfeiture and Forfeitures whatsoever; and every Permit used for any Purpose whatsoever, other than to accompany the Removal of the Spirits for which such Permit was obtained and granted, and which shall be therein expressed or described, shall be deemed and taken to be a false Permit, and such unlawful Use thereof shall, over and above all other Penalties and Forfeitures, subject the Person or Persons so using the same to all and every the Penalties and Forfeitures imposed by Law upon any Person or Persons for using, giving or receiving any false Permit.

Penalty, 500l. over and above other Penalties.

XCV. And be it further enacted, That no Distiller, Rectifier or Compounder of Spirits licensed under this Act, receiving any Spirits into his, her or their Custody or Possession, shall break Bulk or draw off any part thereof, or add Water or any Thing thereto, or in any respect alter the same, or tap or open any of the Casks, or alter or change any of the Packages containing any Spirits, or the Spirits therein removed, until the proper Officer or Officers of Excise shall have taken an Account of the Strength and Quantity thereof; and every such Distiller, Rectifier or Compounder as aforesaid, shall, on the Receipt of any Spirits, give Notice thereof to the proper Officer of Excise, and shall deliver to such Officer the Permit received by them with such Spirits, whereupon such Officer shall attend and take an Account of the Strength and Quantity of such Spirits; and if any such Distiller, Rectifier or Compounder, who shall receive any such Spirits into his, her or their Custody or Possession, shall fail to give such Notice and deliver such Permit as aforesaid, or shall break Bulk or draw off any Part of such Spirits or add Water or any thing thereto, or in any respect alter the same, or tap or open any of the Casks, or alter or change any of the Packages containing any such Spirits, or the Spirits therein removed, until the proper Officer or Officers of Excise shall have taken an Account of the Strength and Quantity thereof, all such Spirits, or a Quantity equal thereto, shall be forfeited, and shall and may be seized out of any Part of the Stock of such Distiller, Rectifier or Compounder, by any Officer or Officers of Excise; and every such Distiller, Rectifier or

Distiller, &c. receiving Spirits, breaking Bulk before Officer to whom Notice shall be given take an Account of Strength and Quantity.

Penalty, 500l. Proviso for Nonattendance of Officer.

Compounder so offending shall for every such Offence forfeit and lose the Sum of Five hundred Pounds: Provided always, that in case the proper Officer of Excise shall neglect to attend for the Purpose of taking such Account as aforesaid, within Three Hours after receiving such Notice, no Forfeiture or Penalty shall be incurred by such Distiller, Rectifier or Compounder for any such Offence.

Distillers sending out less than Nine Gallons of Spirits of Strength herein mentioned.

XCVI. And be it further enacted, That it shall and may be lawful for any Distiller licensed under this Act, to sell and send out, accompanied with a true and lawful Permit, to any Person or Persons, any Quantity of Spirits in any Cask or Package containing not less than Nine Gallons of Spirits of any Strength not exceeding Seven *per Centum* above Hydrometer Proof, nor less than Ten *per Centum* under Hydrometer Proof; and that if any Spirits shall be sold or sent out contrary hereto, all such Spirits, with the Casks or other Packages containing the same, and all Horses, Cattle, Carriages and Boats made use of in removing such Spirits, shall be forfeited, and may be seized by any Officer or Officers of Excise.

Penalty.

Rectifiers, &c. may send out Spirits of the Strength herein mentioned.

XCVII. And be it further enacted, That it shall and may be lawful for any Rectifier or Compounder of Spirits licensed under this Act, to sell and send out, accompanied with a true and lawful Permit, to any Person or Persons, any Quantity of Spirits at any Strength not exceeding Seven *per Centum* above Hydrometer Proof, nor less than Ten *per Centum* under Hydrometer Proof, except Spirits of Wine, which shall be made, kept and sent out of the Strength of Forty two *per Centum* above Hydrometer Proof at the least; and that if any Spirits shall be sold or sent out contrary thereto, all such Spirits, with the Casks or other Packages containing the same, and all Horses, Cattle, Carriages and Boats made use of in removing such Spirits, shall be forfeited, and may be seized by any Officer or Officers of Excise; and no Allowance whatever shall be granted to any such Rectifier or Compounder for any Increase by Water, Sugar, Syrup or Fruit; any thing contained in any Act or Acts of Parliament to the contrary in any wise notwithstanding.

Sending out contrary thereto.

Penalty.

No Spirits to be sent out or received into Stock, unless Permit truly express Strength.

XCVIII. And be it further enacted, That no Distiller, Rectifier or Compounder of Spirits licensed under this Act, shall send out or remove from his, her or their Stock, Custody or Possession, nor shall any such Distiller, Rectifier or Compounder receive into his, her or their Stock, Custody or Possession, any *British* Spirits, unless the Permit or Permits accompanying such Spirits shall truly express the Strength of all such Spirits at the Time of the Removal thereof; and all such Spirits so removed, sent out or received, not being accompanied with true and lawful Permit or Permits expressing the Strength thereof, shall be forfeited, and may be seized by any Officer or Officers of Excise; and every such Distiller, Rectifier or Compounder so sending out or receiving such *British* Spirits shall for each and every such Offence forfeit and lose the Sum of One hundred Pounds.

Penalty, 100l.

Sending out or keeping British Spirits (Exception) of undue Strength.

XCIX. And be it further enacted, That no Dealer or Dealers in, or Retailer or Retailers of Spirits in *Scotland*, shall sell or send out, or have or keep in his or their Stock, Custody or Possession, any *British* Spirits, except Spirits of Wine, of any greater or higher

Degree of Strength than Seven *per Centum* above Hydrometer Proof, nor any Spirits of any less Degree of Strength than Seventeen *per Centum* under Hydrometer Proof, on pain of forfeiting all such Spirits as shall be sold, sent out, had or kept contrary hereto, with the Casks or other Packages containing the same, which shall and may be seized by any Officer or Officers of Excise. Penalty.

C. And be it further enacted, That every Officer of Excise in *Scotland*, having under his Survey the Stock of any Distiller, Rectifier or Compounder licensed under this Act, shall, once in every Thirty Days at the least, or oftener if necessary, take an accurate and true Account of the Quantity and Strength of all *British* Spirits in the Stock, Custody or Possession of all and every such Distiller, Rectifier or Compounder, and shall compute the same at the Strength of Seven *per Centum* above Hydrometer Proof; and if after making Allowance for the Spirits for which Permits shall have been granted since the last Reckoning of the Stock of such Distiller, Rectifier or Compounder, computing the same at the Strength aforesaid, it shall be found that the Quantity of Spirits remaining in the Stock, Custody or Possession of such Distiller, Rectifier or Compounder, shall exceed the Quantity for which such Distiller, Rectifier or Compounder shall have Credit in the Books of the proper Officer, whether such Credit shall have arisen from what was on Hand at the last preceding Reckoning, or from what may have been lawfully made or received subsequent thereto, such Excess shall be deemed and taken to be Spirits illegally received, and a Quantity of Spirits equal to such Excess shall and may be seized out of any Part of the Stock of such Distiller, Rectifier or Compounder, by any Officer or Officers of Excise; and the Distiller, Rectifier or Compounder, in whose Stock, Custody or Possession such Excess shall be found, shall forfeit and lose the Sum of Two hundred Pounds. How often Officers to take Account of Stocks of Distillers, &c. Excess found, forfeited. What taken to be Spirits illegally received. Penalty, 200l.

CI. Provided always, and be it enacted, That if any Still of any Rectifier or Compounder of Spirits shall happen to be charged, and at Work at the Time when any Officer shall take account of the Stock of any such Rectifier or Compounder, then and in every such case all the Spirits produced from that Charge of the Still shall be kept separate and apart from the Rest of such Stock, till the Account of the Rest of such Stock shall have been completely taken, after which the Spirits produced from that Charge shall be added to such Stock. Certain Spirits produced from Rectifiers Stills to be added to Stock.

CII. And be it further enacted, That in all Cases where the Strength of any Part of the Stock of any Rectifier or Compounder of Spirits, by being mixed with any Sugar, Syrup, Seeds, Fruit or any other Ingredients or Materials, cannot be easily ascertained by the Hydrometer, every such Rectifier or Compounder shall immediately, on being required by any Officer or Officers, cause the true Quantity and Degree of Strength of such Spirits so mixed to be legibly marked on the Outside of the Cask or Casks, or Vessel or Vessels, containing the same respectively; and if the Strength of such Spirits shall be found to have been untruly marked by such Rectifier or Compounder on the Outside of such Cask or Casks, or Vessel or Vessels, or if such Rectifier or Compounder shall, upon being required by the Officer or Officers of Excise as Rectifiers or Compounders not marking Quantity and Strength of mixed Spirits on Casks, or marking them untruly.

aforesaid, neglect immediately to mark the Quantity and Degree of Strength of such Spirits as aforesaid, such Spirits, Syrup, Seeds, Fruit and other Ingredients, together with the Casks and Vessels containing the same, shall be forfeited, and shall and may be seized by any Officer or Officers of Excise; and every such Rectifier or Compounder shall also, for each and every such Offence, forfeit and lose the sum of Fifty Pounds.

Casks, &c. forfeited, and

Penalty, 50l.

Casks to be entered and gauged to Satisfaction of Officer.

CIII. And for enabling the Officers of Excise the more readily to take the several Accounts by this Act directed, be it further enacted, That all standing or fixed Casks used for the keeping in Stock of any Raw *British* Spirits, Rectified *British* Spirits, *British* Brandy, *British* Compounds or other Spirits, in the Distillery of any Distiller, Rectifier or Compounder licensed under this Act, shall, before the same shall be made use of, be entered at the proper Office of Excise, and be truly gauged and inched, to the Satisfaction of the proper Officer or Officers of Excise, upon pain of Forfeiture by the Owner or Owners thereof of the Sum of One hundred Pounds for every such Cask which shall be used without having been duly entered, gauged, and inched as aforesaid, and also of every such Cask, with the Liquor contained therein; and that every moveable Cask used for the sending out or keeping of Raw *British* Spirits, Rectified *British* Spirits, *British* Brandy, *British* Compounds, or other Spirits, by any Distiller, Rectifier or Compounder, shall have the full Measure thereof in *English* Wine Gallons, or the Quantity of Liquor which such Cask is capable of containing, legibly painted or cut on both Ends or Heads thereof, upon pain that the Owner of any moveable Cask so used, not having such full Measure in *English* Wine Gallons, or such Quantity so painted or cut, or the Person sending out such Cask, shall forfeit and lose the Sum of Fifty Pounds for every such Default, Omission or Offence.

Penalty, 100l.

Moveable Casks to have Contents painted or cut thereon.

Penalty, 50l.

Officers may take Samples of British Spirits in Stocks of Distillers, &c. paying for same.

CIV. And to the Intent that the Officers of Excise may the more conveniently examine into and give Proof (if necessary) of the Strength and Quality of any *British* Spirits, be it further enacted, That it shall and may be lawful to and for any Officer or Officers of Excise at all Times to take any Sample or Samples of any such Spirits whatsoever at any Time found in the Stock, Custody or Possession of any Distiller, Rectifier or Compounder of Spirits licensed under this Act, paying for such Sample or Samples (if demanded) according to the Market Price for which Spirits of the like Quality shall be sold at the Time when such Sample or Samples shall be taken; and if any Distiller, Rectifier or Compounder shall obstruct or hinder any such Officer or Officers in the taking any such Sample or Samples as aforesaid, such Distiller, Rectifier or Compounder shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Obstructing Officers.

Penalty, 200l.

Stills and other Utensils used by Distillers liable for Duties, and Penalties incurred.

CV. And be it further enacted, That all and every the Stills, Vessels and Utensils, and also all Materials for Distillation, and all Spirits in the Custody or Possession of any Distiller licensed under this Act, or in the Custody or Possession of any Person or Persons to the Use of or in Trust for such Distiller; and all and every the Stills, Vessels and Utensils used by such Distiller, into whose Hands soever such Stills, Vessels or Utensils shall pass or come, and by what Conveyance or Title soever the same may be claimed, shall be subject

subject and liable to, and the same are hereby made subject and liable to, and chargeable with, all Duties of Excise in arrear and owing by such Distiller, for or in respect of any Wort, Wash or Spirits respectively made, prepared or distilled in the Distillery of such Distiller; and shall also be subject to all Fines Penalties and Forfeitures incurred by such Distiller for any Offence against the Provisions of this Act; and it shall and may be lawful in all such cases to levy such Duties, Fines and Penalties, and to use such Proceedings as it may be lawful to do in case the Debtors or Offenders had been truly and really the Owners and Proprietors of the Stills, Vessels and Utensils.

Proviso for st. 28 G.3. c.46.

CVI. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to repeal or in any manner to alter or affect so much of an Act made in the Twenty eighth Year of the Reign of His late Majesty King *George* the Third, among other things, for better regulating the Exportation of *British* made Spirits from *England* to *Scotland*, and from *Scotland* to *England*, as was or remained in force immediately before the passing of this Act, nor to repeal or alter or affect so much of another Act, made in the Forty fifth Year of the Reign of His said late Majesty, among other things, for better regulating the distilling of Spirits in *England* for Exportation to *Scotland*, and in *Scotland* for Exportation to *England*, as was or remained in force immediately before the passing of this Act, nor to the† repeal, alter or affect any other Law or Laws in force immediately before the passing of this Act, relating to Distillers making or distilling Spirits in *England* for Exportation from thence to *Scotland*, or in *Scotland* for Exportation from thence to *England*, or relating to such Spirits so made or distilled for such Exportation respectively; any thing hereinbefore contained to the contrary in any wise notwithstanding.

45 G.3. c.100. and former Laws relating to Exportation of Spirits between England and Scotland.

† *Sic.*

Chemist, &c. not to use Stills without Licence;

CVII. And for the better enabling the Officers of Excise to detect the fraudulent Use of Stills by Chemists, and the making of Stills for the Use of private and illicit Distillers, be it further enacted, That from and after the Ninth Day of *November* One thousand eight hundred and twenty two, no Person or Persons in any Part of *Scotland* shall use any Still or Stills in carrying on the Trade or Business of a Chemist, or any other Trade or Business requiring the Use of any Still or Stills (except that of a Distiller, Rectifier or Compounder of Spirits); and that no Person or Persons shall make any Still in *Scotland*, unless such Person carrying on the Trade of a Chemist, or such other Trade as aforesaid, or making any such Still, shall first take out a Licence, for using or making such Stills respectively; and that such Licence shall be granted at the Places and by the Person or Persons authorized and required by this Act to grant Licences to Persons carrying on the Business of a Distiller, Rectifier or Compounder of Spirits, and which Licence such Person or Persons is and are hereby required to grant accordingly, to every Chemist or Maker of Stills applying for the same, upon the Payment of the Duty of Ten Shillings for each and every such Licence respectively; and every such Licence shall remain and continue in force for One Year from the Date thereof; and every such Person or Persons respectively who shall take such Licence as aforesaid, is and are hereby required to take out a fresh

or make Stills without Licence.

Who are to grant Licences.

Continuance of Licence.

Fresh Licence Yearly.

Licence Ten Days at least before the Expiration of Twelve Calendar Months after taking out the first Licence, and in like manner to renew every such Licence from Year to Year, paying the like Duty for each and every new or renewed Licence as is by this Act required for the first Licence, in manner and at the Places and Times hereinbefore mentioned.

Licence of Chemist, &c. to specify certain Particulars.

CVIII. And be it further enacted, That every Licence granted to any Person or Persons in *Scotland*, who shall carry on the Trade or Business of a Chemist, or any other Trade or Business requiring the Use of any Still or Stills (except that of a Distiller, Rectifier or Compounder of Spirits), shall specify the Name or Names, Trade and Business of the Person or Persons thereby licensed, and the Place where such Trade or Business is intended to be carried on, and the Number of Stills so licensed, if more than one, and the Capacity or Content of every such Still respectively; and no Chemist or other Person or Persons (except as aforesaid) shall use or have in his, her or their Custody or Possession, in any Part of *Scotland*, any Still or Stills of any greater Capacity or Content than that of Fifty Gallons *English* Wine Measure, upon Pain of forfeiting the Sum of Two hundred Pounds for every such Still; and if any such Chemist or other Person or Persons (Distillers, Rectifiers and Compounders excepted), shall use any Still or Stills for any Purpose whatever without first taking out such Licence for the same, or shall make use of any other Still or Stills than such as shall be specified in such Licence, or shall make use of any such licensed Still or Stills at any Place other than the Place which shall be specified in the said Licence, or in any House or Place other than his, her or their usual Dwelling or known Place of carrying on his, her or their Trade and Business, every such Person or Persons shall for every such Offence respectively forfeit and lose the Sum of One hundred Pounds.

Using Still of greater Capacity than 50 Gallons.

Penalty, 200l.

Using Still without Licence, or in other than usual Residence.

Penalty, 100l.

Proviso for Licences for Stills of greater Capacity than 50 Gallons for carrying on Chemical Experiments, &c.

CIX. Provided always, and be it enacted, That if it shall be made appear to the Satisfaction of the Commissioners of Excise in *Scotland*, that any useful Processes or Experiments in Chemistry in any Part of *Scotland* shall require a Still or Stills of greater Content or Capacity than that of Fifty Gallons *English* Wine Measure as aforesaid, it shall and may be lawful to and for the said Commissioners of Excise to grant or authorize and direct a Licence to be granted to the Owner or Owners of such Chemical Work or Works, to use for the Purposes aforesaid a Still or Stills of larger Content or Capacity than as aforesaid; and that it shall and may be lawful for any Officer or Officers of Excise, at all Hours in the Day Time, to visit such Work or Works, and such Still or Stills, belonging to any Person or Persons licensed under the Authority of this Act, and to examine by all proper means the Liquor or Matter coming from the said Still or Stills, but not to open the said Still or Stills unless the said Officer or Officers shall not otherwise be allowed to examine the Liquor or Matter coming from the said Still or Stills; and if any such Still or Stills shall at any Time be used or employed for the Purpose of distilling Wort, Wash, Low Wines or Spirits, contrary to the true Intent and Meaning of this Act, such Still or Stills, and all Utensils belonging thereto, shall be forfeited, and shall and may be seized by any Officer or Officers of Excise, and the Owners and Users thereof shall be subject and liable to all the Pains and Penalties made and provided by this Act against Persons working with unlicensed Stills.

Subject to Officer.

Unduly using such Stills.

Penalty.

CX. And

Still Makers to take out a Licence; to allow Officers to examine their Stills; and to give Notice to Officers of Excise, that Stills may be gauged and stamped.

CX. And be it further enacted, That before any Person in *Scotland* shall make any Still, such Person shall take out a Licence for that Purpose, as before mentioned, and shall permit and allow any Officer or Officers of Excise, at all Hours in the Day Time, to enter any Workhouse, Shop or other Place made Use of by such Person for making or keeping Stills, and to inspect and examine the same; and all Stills which shall be used by any Person or Persons so licensed, shall be made of Copper only, and not of any other Metal; and every such Maker or Makers of Stills shall stamp his, her or their Name or Names, and the progressive Number, and the Content or Capacity of every Still made by him, her or them, upon the Shoulder of every such Still; and in order that the Content of the said Still or Stills may be distinctly ascertained, the said Maker or Makers shall, and he, she and they is and are hereby required, within Three Days after finishing any Still, to give Notice to the proper Supervisor or Officer of the District or Division where such Still hath been so made, that the same is ready to be gauged and stamped; and such Supervisor or Officer is hereby required, within Three Days after such Notification, to gauge such Still, and to grant a Certificate, specifying the progressive Number, Content and Maker's Name of such Still; and in case any such Maker or Makers shall not take out such Licence as aforesaid, or shall make any Still of any Metal other than Copper, or shall neglect to give such Notice to the Supervisor or Officer as aforesaid, or shall in any respect offend in any of the Particulars aforesaid, such Maker or Makers shall for each and every such Offence forfeit and lose the Sum of Fifty Pounds.

Penalty, 50*l*.

Importing Stills into Scotland to give Notice to Officers.

CXI. And be it further enacted, That if any Person or Persons shall import or bring any Still or Stills into *Scotland*, from *England* or *Ireland*, or from Foreign Parts, such Person or Persons shall, within Three Days after the Arrival of such Still or Stills, give Notice of the same, and of the Place where the same is deposited, to the proper Supervisor or Officer of the District or Division, and such Supervisor or Officer shall, within Three Days after the Receipt of such Notice, gauge and cause to be stamped the said Still or Stills, in the same manner as hereinbefore directed in the case of a Still or Stills being made in *Scotland*; and if any Person who shall so import or bring any Still or Stills into *Scotland*, shall neglect or omit to give such Notice thereof as aforesaid, such Person shall forfeit and lose the Sum of Fifty Pounds for every Still so imported or brought.

Penalty, 50*l*.

Stills found in Custody without having been gauged, &c. forfeited, and

CXII. And be it further enacted, That in case any Still or Stills shall be erected and made use of, or be found in the Custody or Possession of any Person or Persons in *Scotland*, without having been previously gauged by the proper Officer of Excise, and marked in the manner hereinbefore mentioned, every such Still shall be forfeited, and shall and may be seized by any Officer or Officers of Excise, and the Owner and Owners thereof shall also forfeit and pay the Sum of Two hundred Pounds, over and besides all other Penalties and Forfeitures imposed by this Act for the unlawful using the same.

Penalty, 200*l*.

Officer knowing or suspecting private Still, &c. and making

CXIII. And be it further enacted, That in case any Officer or Officers of Excise shall know or have cause to suspect that any private or concealed Still, or any Back, Vat, Cooler or other Vessel,

Oath thereof before Justice, Warrant to break open suspected Houses, and seize Stills, &c.

sel, or any Spirits, Low Wines, Wort or Wash, or other Materials preparing or prepared for Distillation, are set up or kept in any House or Place by any Person not licensed under this Act, then and in such case, upon Oath made by such Officer or Officers before One or more Justice or Justices of the Peace of the County, City or Place where such Officer or Officers shall suspect the same to be set up and kept, setting forth the ground of such his or their Suspicion, it shall and may be lawful to and for the Justice or Justices before whom such Oath shall be made, if he or they shall judge it reasonable, by special Warrant under his or their Hands and Seals, to authorize and empower such Officer or Officers, by Day or by Night, to break open the Doors or any Part of such House or Place, where he or they shall so know or suspect that such private or concealed Still, Back, Vat, Cooler or other Vessel, Spirits, Low Wines, Wort, Wash or Materials for Distillation, are so set up or kept, and to enter into such House or Place, and to seize all and every such Stills, Backs, Vats, Coolers and other Vessels, and all such Spirits, Low Wines, Wort, Wash and other Materials, preparing or prepared for Distillation, which shall be there found and discovered, and either to detain and keep the same in the House or Place where found, or to remove the same to the Office of Excise next to the Place where the same shall be so discovered and found; and in case the same shall not within Ten Days next after such Seizure be claimed by some Person as the true and lawful Owner thereof, then the said Stills, Backs, Vats, Coolers and other Vessels, Spirits, Low Wines, Wash and other Materials for Distillation, shall be absolutely forfeited, and the Proprietor of any such private or concealed Still, Back, Vat, Cooler or other Vessel, or the Person in whose Custody the same shall be found, shall forfeit and lose for every Place in which every such Private Still, Back, Vat, Cooler or other Vessel shall be so found, and also for every such Still, Back, Vat, Cooler and Vessel found therein, the Sum of Two hundred Pounds; and if any Person or Persons shall obstruct, oppose, molest or hinder any Officer or Officers of Excise, or others acting in their Assistance, in the seizing any such private or concealed Stills, Backs, Vats, Coolers or other Vessels, or Spirits, Low Wines, Wort, Wash or other Materials for Distillation, or in detaining or keeping the same in the Place where found or in removing the same or any of them, after Seizure, to the next Office of Excise as aforesaid, then and in every such case every Person so offending shall forfeit the Sum of Two hundred Pounds.

If not claimed within Ten Days, forfeited, and Penalty, 200l. for every such Place and Still, &c. found therein.

Obstructing Officers.

Penalty, 200l.

Officers of Excise may search for and seise private Stills, &c. without a Warrant from Justices, and Proprietors subject to Penalties as if Officers had a special Warrant.

CXIV. Provided always, and be it enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to make it unlawful for any Officer or Officers of Excise to search for and discover any private or concealed Still, Back or other Vessel, for the making, preparing or keeping of Wort, Wash, Low Wines or Spirits, or other Materials preparing or prepared for Distillation in any Part of *Scotland*, without such Warrant as aforesaid, or from seizing every such Still, Back or other Vessel, and all such Low Wines, Spirits, Wort, Wash and other Materials preparing or prepared for Distillation, which he or they shall so find and discover, or to do therewith in the same manner as aforesaid; and every such Person with whom the same shall be found, or who shall obstruct

obstruct any such Officer or Officers, or shall otherwise offend in any of the Particulars aforesaid, shall be subject and liable to the same Penalties and Forfeitures as if such Officer or Officers had been authorized by such Warrant as aforesaid; any thing hereinbefore contained to the contrary in any wise notwithstanding.

'CXV. And Whereas Wort or Wash, and other Materials fit and 'proper for Distillation, are often found in the Custody and Possession of Persons notoriously concerned in private and illicit Distillation, and such Offenders frequently escape from the Penalties 'of the Law, by the Removal and Concealment of their Still or 'Stills;' For Remedy whereof, be it enacted, That all and every Person and Persons in *Scotland*, not being a licensed Distiller, Brewer, or Vinegar Maker, in whose Possession any Quantity of Wort or Wash, fermenting or fermented, exceeding the Quantity of Twenty Gallons, or any Quantity whatever of Low Wines or Feints, shall be found, shall severally forfeit and lose the Sum of One hundred Pounds, and all such Wort or Wash, Low Wines or Feints, together with the Casks or Vessels containing the same, shall and may be seized by any Officer or Officers of Excise, which said Penalty of One hundred Pounds it shall not be lawful for any Justice or Justices of the Peace in *Scotland*, by or before whom such Person or Persons shall be convicted, under any Pretence whatsoever, to mitigate or lessen under Twenty Pounds; and if the Penalty adjudged against such Person or Persons be not forthwith paid down to the Prosecutor, or to the Person authorized by him to receive the same, such Justice or Justices of the Peace, by or before whom such Person or Persons shall be convicted, are hereby authorized and strictly enjoined and required immediately, by his or their Warrant, under his or their Hands, to commit such Offender and Offenders to the Gaol or Prison of the County, for any Time not exceeding Twelve Months, nor less than Six Months, unless such Penalty shall be sooner paid.

Persons not being entered Distillers, Brewers or Vinegar Makers, having Wash or Low Wines or Feints as herein mentioned in Possession. Penalty, 100l.

Mitigation of Penalty.

Imprisonment.

CXVI. And in order to deter persons from aiding or assisting the Proprietors of private Stills in carrying on their fraudulent Practices, be it further enacted, That when any Officer or Officers of Excise in *Scotland* shall at any Time discover and find any private or concealed Still, Back or Vessel, for the making, preparing or keeping of Wash, Low Wines or Spirits, or other Materials preparing or prepared for Distillation, and shall at the same Time discover in the Room or Place where such private Still, Back or other Vessel shall be so found, any Person or Persons knowingly aiding, assisting or any wise concerned in carrying on such private Distillation, every such Person and Persons so discovered shall (over and above all other Penalties and Forfeitures to which the Proprietor or Person in whose Custody or Possession the same shall be found, is subject and liable) forfeit and lose the Sum of Thirty Pounds each, for and in respect of every such Offence; and it shall and may be lawful for the Officer and Officers of Excise, and all other Persons acting in their Aid and Assistance, to stop, arrest and detain all and every the Person and Persons so discovered in such Room or Place, and to convey the said Person and Persons before One or more Justice or Justices of the Peace of the County, City or Place respectively, wherein any such Person or Persons shall be so discovered as aforesaid; and it shall and may be lawful to and for such Justice

Aiding and assisting in private Distillery.

Penalty, 30l. above other Penalties.

Carried before a Justice.

Justice or Justices of the Peace respectively, on Confession of the Party, or by Proof, on the Oath of One or more credible Witness or Witnesses made of such Offence, to convict the Person or Persons so discovered as aforesaid, and the Person or Persons so convicted shall immediately on such Conviction severally pay the Sum of Thirty Pounds into the Hands of the Officer who shall have conveyed such Offender before such Justice or Justices of the Peace, to be applied in manner as hereinafter is directed; and if any such Offender shall refuse or neglect to pay the said Sum of Thirty Pounds, the Justice or Justices so convicting as aforesaid shall and may, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, commit the Offender to the Gaol or Prison of the County, there to remain for the Space of Six Calendar Months, and any Person so committed shall not be discharged until he or she shall have paid the said Sum of Thirty Pounds, or until the Expiration of the said Six Months; and in case any Person so convicted shall be again discovered in any Room or Place where any private Still, Back or other Vessel shall be discovered and found as aforesaid, aiding, assisting or otherwise concerned in carrying on any private Distillery, he or she so again offending shall, upon like Conviction, forfeit and pay for such Second Offence the Sum of Sixty Pounds, and shall be committed to the Gaol or Prison in manner aforesaid, there to remain for and during the Term of One Year, unless the said Sum of Sixty Pounds shall be sooner paid.

Conviction.

Not paying Penalty, committed.

Second Offence, Penalty, 60l.

and not paid, Imprisonment.

'CXVII. And Whereas Persons who are immediately concerned 'in the making of Spirits privately, or are connected with others 'employed in such unlawful Practices, frequently escape Punish-'ment, because no direct Proof can be adduced that they were ac-'tually employed or connected with others in such private Distilla-'tion, although it may be evident that such private Distillation could 'not be carried on without their Knowledge and Consent;' For Remedy whereof, be it further enacted, That in every case where sufficient Proof shall not be adduced to convict the Party of having been actually employed or concerned in such private Distillation, it shall be lawful to offer Proof, and for the Court before whom the case shall be heard to receive Proof, that the private Distillery was carried on in some Part of the House, Outhouses, Yards, Gardens, Lands or Premises belonging to or in the Occupation of the Party accused, and that from the Situation of the Place, or other Circumstances, such private Distillation was or must have been carried on with the Knowledge and Privity of the Party accused; and in such case it shall be lawful for such Court to fine the Party in any Sum not exceeding One hundred Pounds nor less than Twenty Pounds; and in case the Fine be not immediately paid, to commit the Party to the Gaol or Prison of the County, for any time not exceeding Twelve Months, nor less than Six Calendar Months, unless the Fine be sooner paid.

Persons permitting private Distilleries to be carried on in their Premises.

Penalty.

Not paid, Imprisonment.

'CXVIII. And Whereas when the Officers of Excise have dis-'covered private or unlawful Distilleries, it has often been found 'impossible or difficult to remove the Spirits, Materials and Uten-'sils to a Place of Safety;' For Remedy whereof, be it further enacted, That when any Officer or Officers of Excise shall find or discover any unlawful Distillery in any Part of *Scotland*, it shall and may be lawful to and for such Officer or Officers, at his or their Discretion,

Officers may spill and destroy Spirits, Materials and Uten-

cretion, immediately upon the Discovery of such private or unlawful Distillery, and the Seizure of any Spirits or Materials, Implements or Utensils for Distillation, effectually to spill, break up and destroy the same; any thing hereinbefore contained to the contrary in any wise notwithstanding.

Stills found at private Distilleries.

CXIX. And be it further enacted, That if any Distiller of or Dealer in Spirits, or other Person in *Scotland*, licensed or not licensed, shall sell or send out, or shall knowingly suffer to be sent out of his or her Stock, Custody or Possession, or shall receive or knowingly suffer to be received into his or her Stock, Custody or Possession, or shall suffer any other Person, for his or her Use or Account, to receive at one Time any Quantity of *British* Spirits exceeding the Quantity of Two Gallons, without the same being accompanied with a true and lawful Permit; or if any Carrier, Boatman or other Person in *Scotland*, shall knowingly carry, remove or transport, or by means of his Horse, Cart, Vessel, Boat or other Conveyance, shall knowingly suffer to be carried, removed or transported, or shall be aiding or assisting in carrying, removing or transporting from any Part of *Scotland* to another Part thereof, any Quantity of *British* Spirits at one Time, exceeding the Quantity of Two Gallons, without being accompanied with a true and lawful Permit; every such Distiller, Dealer, Carrier, Boatman or other Person whatsoever shall, for each and every such Offence, forfeit and lose the Sum of Two hundred Pounds, over and above every other Penalty and Forfeiture to which he or she is or may be liable by virtue of this Act.

Sending out or receiving British Spirits exceeding Two Gallons without Permit, or carrying the same.

Penalty, 200*l.*

CXX. And be it further enacted, That when any Suit or Action shall be commenced, or any Information filed or exhibited against any Person receiving such *British* Spirits, unaccompanied with a true and lawful Permit, for the Recovery of any Penalty or Forfeiture in such case by this Act imposed, it shall be sufficient for the Defendant or Defendants to prove that a lawful permit to accompany the Removal of such Spirits was duly obtained by the Party selling or sending out the same, and that there had been a corresponding Decrease of the Stock of the Seller or Sender out thereof, to answer the Quantity of such Spirits so sent out and removed; and upon such Proof being made, such Spirits shall be adjudged to have been legally received, and according to the true Intent and Meaning of this Act: Provided always, that where any Person receiving such Spirits (not being an entered Distiller, Rectifier or Compounder of, or Dealer in or Retailer of Spirits) shall, within Ten Days from the Receipt thereof, send or deliver to the nearest Officer of Excise the Permit which actually accompanied the same, every such private Person so delivering the Permit as aforesaid shall be held and deemed to have complied with the Provisions of this Act in respect to the receiving of such Spirits.

When Suits are commenced, what Proofs to be given of Permit having been obtained.

CXXI. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the time being, by any Warrant, Order or Instruction, signed by any Three or more of them, to authorize and empower the Commissioners of Excise in *Scotland* for the time being, by any Order or Warrant, signed by any Three or more of them, to grant such Rewards to Officers, to be paid out of the Duties of Excise in *Scotland*, for Services performed by them in

Treasury may empower Commissioners of Excise to reward Officers for detecting or preventing illicit Distillation.

in detecting and preventing illicit and fraudulent Distillation, as the said Commissioners of His Majesty's Treasury shall think proper, subject to such Rules, Conditions, Directions and Modifications as the said Commissioners of His Majesty's Treasury shall prescribe, in order to make it the Interest of such Excise Officers that no illicit or fraudulent Distillation whatever shall be carried on within their respective Districts or Divisions.

Obstructing Officers, in Cases not otherwise provided for.

CXXII. And be it further enacted, That if any Distiller, Rectifier or Compounder of Spirits licensed under this Act, or any Workman or Servant belonging to or employed or authorized by such Distiller, Rectifier or Compounder, or any other Person or Persons whosoever, shall molest, disturb, hinder, oppose or impede any Officer or Officers of Excise, in the due Execution of the Powers and Authorities by this Act granted, or any of them, except in such cases for which any Penalties are by this Act specially provided; every such Distiller, Rectifier or Compounder, or other Person or Persons so offending, shall forfeit and lose the Sum of Two hundred Pounds.

Penalty, 200l.

Officers entering into collusive Agreement with Distiller,

CXXIII. And be it further enacted, That if any Officer of Excise, of whatever Rank or Degree he shall or may be, employed under the Authority of the Commissioners of Excise in *Scotland*, shall make any collusive Agreement with any Distiller, or with any other Person for or on his Behalf, as his Agent, to omit to do any thing belonging to the Execution of his Employment as such Officer, or to connive at or to conceal any Fraud or Breach or Neglect of the Law by such Distiller, or any Servants, Workmen or Agent of such Distiller, or to make any false Return in respect of any of the Matters and Things required by this Act or any other Act of Parliament, for the better securing any Duty or Duties on Spirits made in *Scotland*, or for the Prevention of Smuggling in *Scotland*, or to do or to connive at, or to conceal or to omit to do any other Act, Matter or Thing, by the doing or the Omission whereof His Majesty's Revenue shall be defrauded, or shall directly or indirectly ask or demand, or take or receive any Bribe, Gratuity, Fee, Recompence or Reward, for the Neglect or Nonperformance of any Part of his Duty, or for the restoring or abandoning any Seizure, or for the forbearing to make any Seizure of any Still or Utensil, or any Wort, Wash, Low Wines, Feints or Spirits, or the Casks or Vessels containing the same, or any other Goods, Matters or Things forfeited by Law, every such Officer therein offending shall for each and every such Offence forfeit and lose the Sum of Five hundred Pounds, and shall be for ever after incapable of serving His Majesty in any Office or Employment, Civil or Military; and if any Distiller licensed under this Act, or any Person on his Behalf, or as his Servant or Agent, shall directly or indirectly give or promise, or offer to give or promise, any Bribe, Recompence, Fee, Gratuity or Reward, for the Performance or Nonperformance of the Duty of such Officer; or shall make any collusive Agreement with any Officer of Excise, to forbear or neglect the due Performance and Discharge of his Duty as such Officer, in any of the Matters and Things required by this Act, or by any other Act of Parliament, for better securing any Duty or Duties upon Spirits made in *Scotland*, or for the Prevention of Smuggling in *Scotland*; or to do, or to conceal, or to connive at, or to omit to do any Act, Matter or Thing,

or taking Bribe, &c.

Penalty, 500l. and Incapacity.

Distiller offering or giving Bribe, or making collusive Agreement with Officer.

Thing, by the doing or the Omission whereof any of the Provisions of this Act or any other Act or Acts shall be evaded or broken, or His Majesty's Revenue injured, or to restore or to abandon any Seizure, or to forbear or to neglect to make any Seizure of any Still or Utensil, or any Wort, Wash, Low Wines, Feints or Spirits, or the Casks or Vessels containing the same, or any other Goods, Matters or Things forfeited by Law; every such Distiller and other Person as aforesaid shall for each and every such Offence (whether the Offer, Proposal, Promise or Agreement be accepted or performed or not) forfeit and lose the Sum of Five hundred Pounds, One third Part thereof, after deducting the Expences of recovering the same, to be paid to His Majesty, and Two third Parts thereof to the Officer or Person who shall discover or disclose or inform of any such Offence: Provided always, that in case any such Officer who shall have asked, taken or received any such Bribe, Fee, Gratuity, Recompence or Reward, or entered into such collusive Agreement as aforesaid, shall, before any Complaint shall have been made, or any Proceeding had against such Officer for asking, taking or receiving, or for entering into the same, give Information to the said Commissioners of Excise, of the Gift or Offer of such Bribe, Fee, Gratuity, Recompence or Reward, or of such collusive Agreement, and the said Commissioners shall think fit that such Information should be proceeded upon, so that the Penalty aforesaid shall be recovered against the Person who shall give or offer or propose to give such Bribe, Fee, Recompence, Gratuity or Reward, or to make such collusive Agreement; or in case the Distiller or Person who shall give or offer any such Bribe, Fee, Gratuity, Recompence or Reward, or enter into any such collusive Agreement, shall, before any Complaint shall have been made, or any Proceeding had against such Distiller or other Person for giving or offering or entering into the same, give Information to the said Commissioners of Excise, of the asking, taking or receiving any such Bribe, Fee, Recompence, Gratuity or Reward, or of such collusive Agreement by any such Officer, and the said Commissioners shall think fit that such Information should be proceeded upon, so that the Penalty aforesaid shall be recovered against such Officer; then and in either of the said cases, either of the said Parties so first giving such Information to such Commissioners, shall be exempted from and indemnified against the Penalties and Disabilities imposed on such Party for such Offence by this Act.

Penalty, 500l.

Offender informing indemnified.

CXXIV. And be it further enacted, That all Fines, Penalties and Forfeitures imposed by this Act, for the recovering and levying whereof no Directions are expressly given by any Clause or Clauses in this Act before contained, shall be sued for, recovered, levied or mitigated, by such Ways, Means and Methods, as any Fine, Penalty or Forfeiture may be sued for, recovered, levied or mitigated by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint or Information in the Court of Exchequer in *Scotland*; and that One Moiety of every such Fine, Penalty or Forfeiture shall be to His Majesty, His Heirs and Successors, and the other Moiety to him or them who shall inform, discover or sue for the same.

Recovery and Application of Penalties.

CXXV. And be it further enacted, That all and every the Powers, Directions, Rules, Penalties, Forfeitures, Clauses, Matters and Things which in and by an Act made in the Twelfth Year of the Reign

Statute 12 Car. 2. c. 24. and former Laws in force

relating to the Excise, extended to this Act.

Reign of King *Charles* the Second, intituled *An Act for taking away the Court of Wards and Liveries, and Tenures in Capite and by Knights Service and Purveyance, and for settling a Revenue upon His Majesty in lieu thereof*, or by any other Law now in force relating to His Majesty's Revenue of Excise, are provided and established, shall be practised, used and put in Execution in and for the Purposes of this Act, as fully and effectually to all Intents and Purposes, as if all and every the said Powers, Rules, Directions, Penalties, Forfeitures, Clauses, Matters and Things were particularly repeated and re-enacted in this present Act.

No Double Penalties.

CXXVI. Provided always, and be it enacted, That no Person who shall be sued or prosecuted for any of the Penalties or Forfeitures imposed by this Act, shall be liable to any Penalty or Forfeiture imposed for the same Offence by any former Act; nor shall any Person who shall be sued or prosecuted for any Penalty or Forfeiture imposed by any former Act be liable to any Penalty or Forfeiture imposed for the same Offence by this present Act.

Commencement and Continuance of Act.

CXXVII. And be it further enacted, That this Act shall commence and take effect, in all Matters and Things therein contained, upon and from the Tenth Day of *November* One thousand eight hundred and twenty two, and that this Act shall continue in force for Two Years thereafter and no longer.

Act may be altered, &c. this Session.

CXXVIII. And be it further enacted, That this Act, or any of the Provisions thereof, may be amended, altered or repealed by any Act or Acts to be passed in this Session of Parliament.

CAP. LIII.

An Act to regulate the Manufacture and Sale of scorched or roasted Corn, Peas, Beans or Parsnips, and of Cocoa Paste, Broma and other Mixtures of Cocoa. [5th *July* 1822.]

43 G. 3. c. 129.

§ 5.

'WHEREAS by an Act made in the Forty third Year of the Reign of His late Majesty King *George* the Third, to amend so much of an Act made in the same Session of Parliament, for granting additional Duties of Excise, as relates to the Exportation of Tea to *Ireland*, for regulating the granting of Permits for the Removal of Coffee, Tea and Cocoa Nuts out of Warehouse, and for more effectually securing the Duties on Coffee, it was enacted, that from and after the First Day of *September* One thousand eight hundred and three, if any burnt, scorched or roasted Peas, Beans or other Grain, or vegetable Substance or Substances, prepared or manufactured for the Purpose of being in Imitation of or in any respect to resemble Coffee or Cocoa, or to serve as a Substitute for Coffee or Cocoa, or alleged or pretended by the Possessor or Vender thereof so to be, shall be made or kept for Sale, or shall be offered or exposed to Sale, or shall be found in the Custody or Possession of any Dealer or Dealers in or Seller or Sellers of Coffee or Cocoa, or if any burnt, scorched or roasted Peas, Beans or other Grain, or vegetable Substance or Substances, not being Coffee or Cocoa, shall be called by the Preparer, Manufacturer, Possessor or Vender thereof, by the Name of *English* or *British* Coffee, or any other Name of Coffee, or by the Name of *American* Cocoa, or *English* or *British* Cocoa, or any other Name of Cocoa, the same respectively shall be forfeited,

'feited, together with the Packages containing the same, and shall 'and may be seized by any Officer or Officers of Excise, and the 'Person or Persons preparing, manufacturing or selling the same, 'or having the same in his, her or their Custody or Possession, 'or the Dealer or Dealers in or Seller or Sellers of Coffee or Cocoa, 'in whose Custody the same shall be found, shall forfeit and lose 'the Sum of One hundred Pounds: And Whereas it is expedient, 'notwithstanding the Provisions hereinbefore recited, to allow the 'Manufacture and Sale of scorched or roasted Corn, Peas, Beans 'or Parsnips, as hereinafter mentioned, by Persons not being 'Dealers in or Sellers of Coffee or Cocoa:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for any Person or Persons, not being a Dealer or Dealers in, or Seller or Sellers of Coffee or Cocoa, to manufacture, deal in and sell scorched or roasted Corn, Peas, Beans or Parsnips, whole, and not ground, crushed or powdered, under the Licence and subject and according to the Rules, Regulations and Restrictions hereinafter mentioned and contained; any thing in the Act hereinbefore contained to the contrary notwithstanding.

Persons not being Dealers in Coffee may roast and sell Corn, Peas, Beans or Parsnips.

II. And be it further enacted, That all and every Person or Persons, who shall manufacture for Sale, deal in or sell any such scorched or roasted Corn, Peas, Beans or Parsnips as aforesaid, shall, before he, she or they shall manufacture, deal in or sell any such scorched or roasted Corn, Peas, Beans or Parsnips as aforesaid, take out a Licence authorizing such Person or Persons to manufacture, deal in or sell such scorched or roasted Corn, Peas, Beans or Parsnips as aforesaid, which Licences shall be granted in manner hereinafter mentioned; (that is to say), if any such Licence shall be granted to authorize the Person or Persons to whom the same shall be granted, to manufacture, deal in or sell any such scorched or roasted Corn, Peas, Beans or Parsnips within the Limits of the chief Office of Excise in *London*, the same shall be granted under the Hands and Seals of Two or more of the Commissioners of Excise in *England* for the time being, or of such Persons as they the said Commissioners of Excise, or the major Part of them for the time being, shall from time to time direct for that Purpose; but if any such Licence shall be granted, to authorize the Person or Persons to whom the same shall be granted, to manufacture, deal in or sell any such scorched or roasted Corn, Peas, Beans or Parsnips, in any Part of *England* out of the Limits of the said chief Office, the same shall be granted under the respective Hands and Seals of the Collectors and Supervisors of Excise, within their respective Collections and Districts; and in case any such Licence shall be granted to authorize the Person or Persons to whom the same shall be granted, to manufacture, deal in or sell any such scorched or roasted Corn, Peas, Beans or Parsnips, within the Limits of the City of *Edinburgh*, the same shall be granted under the Hands and Seals of Two or more of the Commissioners of Excise in *Scotland* for the time being; or if any such Licence shall be granted to authorize the Person or Persons to whom the same shall be granted, to manufacture, deal in or sell any such scorched or roasted Corn, Peas,

Licences to be taken out for the Sale of such Corn, &c. in manner herein mentioned.

In England.

In Scotland.

Peas, Beans or Parsnips, in any Part of *Scotland* out of the Limits of the City of *Edinburgh*, then the same shall be granted under the respective Hands and Seals of the Collectors and Supervisors of Excise in *Scotland*, within their respective Collections and Districts; and such respective Commissioners of Excise, or Two or more of them respectively, and the Persons to be directed by the said Commissioners of Excise in *England* or the major Part of them, and also all such Collectors and Supervisors, are hereby respectively authorized and required to grant such Licences to the Persons who shall apply for the same, on the Person or Persons applying for the same first paying the Sum of Two Shillings and Six Pence for each such Licence.

2s. 6d. to be paid for each Licence.

Payment for Licences to whom made.

III. And be it further enacted, That the said several Sums of Money by this Act directed to be paid for such Licences respectively, shall be paid for such respective Licences to such Persons as are hereinafter in that Behalf respectively mentioned; that is to say, such thereof as shall be paid for Licences which shall be taken out within the Limits of the chief Office of Excise in *London*, shall be paid at the Chief Office of Excise in *London*; and such thereof as shall be paid for Licences which shall be taken out within the Limits of the City of *Edinburgh*, shall be paid at the chief Office of Excise in *Edinburgh*; and such thereof as shall be paid for Licences which shall be taken out in any Part of *Great Britain* not within the said respective Limits, shall be paid to the respective Collectors of Excise in whose Collections such respective Licences shall be granted.

In London.

In Edinburgh.

Licence to be annual.

IV. And be it further enacted, That no Person or Persons shall manufacture, deal in or sell any such scorched or roasted Corn, Peas, Beans or Parsnips, after the Expiration of such his, her or their Licence, unless such Person or Persons shall take out a fresh Licence for the like Purpose in the manner hereinbefore directed, Ten Days at least before the Expiration of such former Licence, and so in like manner renew every such Licence from Year to Year; and if any Person or Persons shall begin to manufacture for Sale, deal in or sell any such scorched or roasted Corn, Peas, Beans or Parsnips, without first taking out a Licence authorizing him, her or them so to do, and renewing the same, as hereinbefore in that Behalf directed, he, she or they shall for every such Offence forfeit and lose the Sum of Fifty Pounds: Provided always, that Persons trading in Partnership, and in One House or Shop only, shall not be obliged to take out more than One Licence in any One Year for manufacturing, dealing in or selling any such scorched or roasted Corn, Peas, Beans or Parsnips; and that no One Licence which shall be granted by virtue of this Act, shall authorize or empower any Person or Persons to manufacture, deal in or sell any such scorched or roasted Corn, Peas, Beans or Parsnips, in any other House, Workhouse, Warehouse, Shed, Room or other Place than the House, Workhouse, Warehouse, Shed, Room or other Place, whereof Entry in Writing shall be made at the Office of Excise, in the Name or Names of such Person or Persons, for manufacturing, dealing in or selling any such scorched or roasted Corn, Peas, Beans or Parsnips, at the Time of granting such Licence, and in respect whereof such Licence shall be granted.

Manufacturing &c. without Licence.

Penalty, 50l.

Proviso for Partners taking Licence.

No sale in Places mentioned.

V. And be it further enacted, That all the Monies arising by the Licences by this Act required (the necessary Charges of raising and accounting for the same excepted), shall from time to time be paid into the Receipt of His Majesty's Exchequer at *Westminster*; and the said Money so paid into the said Receipt of His Majesty's Exchequer as aforesaid, shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*. Application of Duty on Licences.

VI. And be it further enacted, That before any such Person or Persons as aforesaid shall begin to manufacture for sale, or deal in or sell any such scorched or roasted Corn, Peas, Beans or Parsnips as aforesaid, he, she or they shall and they are hereby required to make a true and particular Entry in Writing, according to the Laws now in force in respect to Excise Entries of Places, of every House, Room and Place, and of every Utensil by him, her or them respectively made use of, or intended to be made use of, in or for the scorching or roasting or keeping of scorched or roasted Corn, Peas, Beans or Parsnips for Sale, at the Office of Excise within the Limits whereof such House, Room or Place shall be situate, and shall be subject to the Survey of the Officers of Excise, in like manner as Coffee Dealers are now by Law subject; and all and every such Person or Persons shall, as soon as any such Corn, Peas, Beans or Parsnips, has or have been scorched or roasted, put and make up the same whole, and not ground, crushed or powdered, and unmixed with any other Article or Ingredient whatsoever, in Packages, and stamp or mark the Cover of every such Package with the Words "Roasted Corn, Peas, Beans or Parsnips," as the case may be, and with his, her or their Name and Place of Residence; and shall not have or keep, or sell or offer to sell or deliver, any scorched or roasted Corn, Peas, Beans or Parsnips under any other Name or Description whatever than scorched or roasted Corn, Peas, Beans or Parsnips, as the case may be, or in any other State or Condition than whole and not ground, crushed or powdered, or mixed with any other Article or Ingredient, or otherwise than so made up into such Packages so marked as aforesaid, on pain of forfeiting for each and every such Offence the Sum of Fifty Pounds, together with all the Corn, Peas, Beans or Parsnips, and other Articles or Ingredients mixed or of the like Kind as are mixed therewith, and also the Utensils for the scorching or roasting Corn, Peas, Beans or Parsnips, which shall at any Time be found in any House, Room or Place so made use of or intended to be made use of as aforesaid, and whereof no such Entry shall be made as aforesaid, or which shall be in the Custody or Possession of any such Person or Persons not licensed as aforesaid, or had or kept by him, her or them, or sold or delivered, otherwise than as aforesaid; and the same shall and may be seized by any Officer or Officers of Excise: Provided always, that nothing herein contained shall extend, or be deemed or construed to extend, to repeal or alter the Act or Provisions hereinbefore recited, in any other Respect, Manner or Degree than is and are expressly provided by this Act.

Entry to be made of Premises, and roasted Corn to be sold whole, and in Packages.

Packages to be marked.

Selling roasted Corn under any other Name.

Penalty 50l., and Corn, &c. forfeited.

Proviso for 43 G. 3. c. 129.

VII. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and twenty two, it shall and may be lawful for any Person or Persons duly licensed to

Persons licensed to deal in Cocoa, not being a Roaster of

Corn, may manufacture Cocoa Paste, Broma, and other Mixtures of Cocoa.

to deal in Cocoa, who shall first make Entry of his, her or their Premises, for the Purpose hereinafter mentioned, at the nearest Office of Excise, and who shall not be a Scorcher or Roaster of Corn, Peas, Beans or Parsnips, or a dealer in or Seller of scorched or roasted Corn, Peas, Beans or Parsnips, or have in his Possession any such Corn, Peas, Beans or Parsnips, to make and manufacture in such entered Premises, and with the knowledge of the proper Officer, Cocoa Paste, Broma, and other Mixtures and Preparations of Cocoa with Sugar and Arrow Root Flour or other farinaceous Powder, such Arrow Root Flour or other farinaceous Powder not being baked, scorched, roasted or otherwise disguised or altered from its natural State, except by being mixed with Cocoa as aforesaid, and to sell and offer and expose to Sale such Cocoa Paste, Broma or other Mixture or Preparation as aforesaid:

Cocoa Paste, &c. to be put up in Paper or put in a Pot, and a Stamp to be affixed:

Provided always, that every such Person and Persons shall inclose all such Cocoa Paste, Broma and other such Mixtures and Preparations of Cocoa as aforesaid, as soon as the same is made, and before the same is sold, offered or exposed for Sale or delivered, in Paper sealed and stamped, or in some Pot or other Vessel to which a Stamp shall be affixed in such manner as the Commissioners of Excise shall from time to time direct for that Purpose, and which Stamp the Commissioners of Excise shall from time to time furnish and cause to be delivered to every such Person and Persons as aforesaid, upon his, her or their Request; and upon such Person or Persons paying to such Commissioners for such Stamps so to be used Six Pence for every Stamp to be attached to a Pound Weight, and Three Pence for every Stamp to be attached to Half a Pound Weight, and Three Halfpence for every Stamp to be attached to every Quarter of a Pound Weight of all such Cocoa Paste, Broma or other Mixtures as herein described; and if any Person or Persons shall make or manufacture any Cocoa Paste, Broma or other Mixture or Preparation of Cocoa as aforesaid, without first making such Entry as aforesaid, or shall mix with any Cocoa any baked, scorched or roasted Material whatsoever, or any Ingredient whatsoever, except as aforesaid, or shall keep, offer for Sale, sell or deliver any such Preparation of Cocoa, otherwise than in the manner and inclosed in the Paper or Pot as aforesaid, containing not less than One Quarter of a Pound, or more than One Pound, stamped as aforesaid, or shall use any such Stamp or Paper a Second Time, or imitate or use any Stamp for the Purpose aforesaid which shall not have been issued by or by the Order of the Commissioners of Excise, or shall use any Art or Contrivance by which the Officer surveying such Premises shall be prevented or deceived in taking a true Account of all such compound Cocoa, Broma or other Mixture of Cocoa with Sugar and Arrow Root Flour, or other unbaked, unscorched, unroasted and undisguised farinaceous Powder as aforesaid, or shall obstruct or hinder such Officer in taking such Account, every such Person and Persons in such cases respectively offending shall for every such Offence severally forfeit and lose the Sum of One hundred Pounds.

Amount of Stamp.

Not conforming to Directions herein given.

Imitating Stamps, &c.

Penalty, 100l.

Recovery and Application of Penalties.

VIII. And be it further enacted, That all Fines, Penalties and Forfeitures imposed by this Act, shall be sued for, recovered and levied, or mitigated, by such Means, Ways or Methods as any Fine,

Penalty or Forfeiture may be sued for, recovered, levied or mitigated by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland* respectively; and that One Moiety of every such Fine, Penalty or Forfeiture shall be to His Majesty, His Heirs and Successors, and the other Moiety to him, her or them who shall inform, discover or sue for the same.

Acts relating to Excise extended to this Act.

IX. And be it further enacted, That all and every the Powers, Directions, Rules, Penalties, Forfeitures, Clauses, Matters and Things, which in and by an Act made in the Twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for taking away the Court of Wards and Liveries, and Tenures in Capite, and by Knight Service and Purveyance; and for settling a Revenue upon His Majesty in lieu thereof;* or by any other Law now in force relating to His Majesty's Revenue of Excise, are provided or established for managing, raising, levying, collecting, mitigating or recovering, adjudging or ascertaining the Duties thereby imposed, or any of them, shall be practised, used and put in Execution in and for the managing, raising, levying, collecting, mitigating, recovering and paying the Licence Duty of Excise by this Act imposed, and for preventing, detecting and punishing Frauds relating thereto, and all and every Breach and Breaches of the Regulations hereby imposed, as fully and effectually, to all Intents and Purposes, as if all and every the said Powers, Rules, Directions, Penalties, Forfeitures, Clauses, Matters and Things were particularly repeated and re-enacted in this Act. 12 Car. 2. c. 24.

Act may be altered, &c. this Session.

X. And be it further enacted, That this Act may be altered, amended or repealed by any Act or Acts to be passed in this Session of Parliament.

CAP. LIV.

An Act to repeal the Rates, Duties and Taxes payable in respect of Fire Hearths and Windows in *Ireland*; and to exempt certain Persons from the Tax on Dogs.

[5th *July* 1822.]

'WHEREAS by an Act made in the Fifty eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to grant certain Rates, Duties and Taxes in* Ireland, *in respect of Fire Hearths, Windows, Male Servants, Horses, Carriages and Dogs, in lieu of former Rates, Duties and Taxes thereon, and to provide for the Payment thereof to the Collectors of Excise, and for the more effectual accounting for the same;* it was among other Things enacted, That there should be levied, raised, collected, paid and satisfied to His Majesty, His Heirs and Successors, upon and in respect of the several Fire Hearths or other places for Firing, or Stoves and Windows or Lights, specified, described and contained in the several Schedules marked A. and B. respectively to the said Act annexed, the several Amounts, Sums of Money, Rates, Duties and Taxes, as they are respectively described and set forth in the said respective Schedules; and that the said several Schedules, and all and every the Rules, Regulations, Exceptions, Exemptions and Abatements therein respectively 58 G. 3. c. 54. § 2. Schedules (A. and B.)

'spectively specified and contained, should be deemed and taken 'to be a Part of the said Act to all Intents and Purposes whatso- 'ever: And Whereas it is expedient that the said Rates, Duties 'and Taxes should be repealed in manner hereinafter mentioned:'

Duties in respect of Fire Hearths and Windows therein specified,

Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and twenty two, the several Rates, Duties and Taxes in respect of Fire Hearths or other Places for Firing or Stoves, and in respect of Windows or Lights, granted in and by the said hereinbefore recited Act, and by the said Schedules marked A. and B. to the said Act annexed, and all Regulations and Directions relating to the said Rates, Duties and Taxes in respect of Fire Hearths or other Places for Firing or Stoves, and in respect of Windows or Lights, contained in or made by the said recited Act, or the said Schedules A. and B. thereto annexed, shall cease and determine, and shall be and are hereby repealed; except so far as the said Act repeals any former Act or Acts, and except also so far as the said recited Act concerns or relates to the charging, recovering, levying, paying, allowing, repaying or accounting for any of the said Rates, Duties and Taxes hereby repealed, or any Arrears thereof due or incurred and payable for or in respect of any Time previous to the said Fifth Day of *July* One thousand eight hundred and twenty two; and also except so far as may concern or relate to the prosecuting, suing for and recovering of any Fine, Penalty or Forfeiture for any Offence against the said Act, and which shall have been or shall be committed at any Time before or after the passing of this Act, for or in respect of or relating to any of the said Rates, Duties and Taxes hereby repealed, which shall have been or shall be due or incurred for or in respect of any Time previous to the said Fifth Day of *July* One thousand eight hundred and twenty two; and all Suits or Proceedings for such Offences shall and may be proceeded on to Judgment and Execution to all Intents and Purposes as if the said Act had not been repealed, so far as relates to the said Rates, Duties and Taxes.

repealed; except as to Arrears, Penalties, &c.

So much of

II. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, so much and such Parts of the several Acts hereafter mentioned, as relates or relate to the Rates, Duties and Taxes in respect of Fire Hearths or other Places for Firing or Stoves, or in respect of Windows or Lights, in *Ireland*, shall be repealed; that is to say, so much and such Parts of an Act made in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to give Relief in certain Cases of Assessment of Taxes in* Great Britain, *and to Persons compounding for their Assessed Taxes in* Ireland, *from an annual Assessment for Three Years, from the Sixth Day of* January *One thousand eight hundred and twenty;* and also so much and such Parts of an Act made in the last Session of Parliament, intituled *An Act to continue several Acts for the Relief of Persons compounding for Assessed Taxes from an annual Assessment for a further Term, and to amend the Acts relating to Assessments and Compositions of Assessed Taxes;* as relate to the said

59 G. 3. c. 118.

1 & 2 G. 4. c. 113.

said Rates, Duties and Taxes in respect of Fire Hearths or other Places for Firing or Stoves, or in respect of Windows or Lights, and so much and such Parts of the said last recited Acts are hereby repealed accordingly, and from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, shall cease and determine; except so far as the said recited Acts, or either of them, concern or relate to the charging, recovering, levying or paying, allowing, repaying or accounting for any Composition or Assessment of or for the said Rates, Duties or Taxes in respect of Fire Hearths or Places for Firing or Stoves, or in respect of Windows or Lights, or any of them, or any Arrears thereof due or incurred and payable for or in respect of any Time previous to the said Fifth Day of *July* One thousand eight hundred and twenty two; and also except so far as may concern or relate to the prosecuting, suing for and recovering of any Fine, Penalty or Forfeiture for any Offence against the said Acts, or either of them, which shall have been or shall be committed at any Time before or after the passing of this Act, for or in respect of or relating to any Composition or Assessment of or for any of the said Rates, Duties and Taxes in respect of Fire Hearths or Places for Firing or Stoves, or in respect of Windows or Lights, as shall have been or shall be due or incurred and payable under the said Acts, or either of them, for or in respect of any Time previous to the said Fifth Day of *July* One thousand eight hundred and twenty two; and all Suits and Proceedings for such Offences shall and may be proceeded on to Judgment and Execution to all Intents and Purposes as if the said Acts had not been repealed by this present Act, so far as relates to the said Rates, Duties and Taxes in respect of Fire Hearths or other Places for Firing or Stoves, or in respect of Windows or Lights.

as relates to Duties in respect of Fire Hearths and Windows repealed.

Except as to Arrears, Penalties, &c.

'III. And Whereas by the said recited Act of the Fifty eighth 'Year of His said late Majesty's Reign, it is among other Things 'enacted, that the several Rates, Duties and Taxes thereby 'granted shall be assessed, charged and levied for the whole Year, 'commencing on the Sixth Day of *January* in each Year, and end- 'ing on the Fifth Day of *January* then next following; and 'shall be paid on Demand, at any time after the same shall be 'assessed and charged, provided that the said several Rates, 'Duties and Taxes, shall and may be payable and receivable ei- 'ther at One entire Payment, or by such Instalments as the Com- 'missioners of Inland Excise and Taxes shall direct and appoint, 'and subject in all cases to the Rules, Orders and Regulations of 'the said Commissioners; and by the said recited Act of the Fifty 'ninth Year of His said late Majesty's Reign, it is among other 'Things enacted, that the Monies to arise or to become payable 'by virtue of any Composition entered into in *Ireland* under the 'said Act, shall be paid at the same Times and in the same Pro- 'portions, and in like manner, as the several Rates, Duties and 'Taxes are or shall be payable in *Ireland* by virtue of the said 'recited Act of the Fifty eighth Year of His said late Majesty's 'Reign:' Be it enacted, That no more than One Moiety or Half Part of the yearly Amount of the said Rates, Duties and Taxes, in respect of Fire Hearths or other Places for Firing or Stoves, or in respect of Windows or Lights, or in respect of any Composition

58 G.3. c.54. § 30.

59 G.3. c.118. § 11.

One Half only of yearly Amount of said Duties assessed or

compounded for in the present Year paid, either in one Payment or by Instalments, as Commissioners shall direct.

position for the same, shall be paid or levied or received for the Year commencing on the Sixth Day of *January* One thousand eight hundred and twenty two, and ending on the Fifth Day of *January* One thousand eight hundred and twenty three, any thing in the said recited Acts or any of them to the contrary in any wise notwithstanding; and that the said Moiety or Half Part of such yearly Amount of such Rates, Duties or Taxes, in respect of Fire Hearths or Places for Firing or Stoves, or in respect of Windows or Lights, or of any Composition for the same, shall and may be payable and receivable either at One entire Payment, or by such Instalments as the Commissioners of Inland Excise and Taxes in *Ireland*, or any Three of them, shall for that Purpose from time to time direct and appoint, in any Districts or Places to be named by such Commissioners; and in case any Instalment or Payment shall have been or shall be paid by or received from any Person or Persons liable to the Payment of the said Rates, Duties or Taxes, in respect of Fire Hearths or Places for Firing or Stoves, or in respect of Windows or Lights, at any Time before or after the passing of this Act, which shall exceed such Moiety or Half Part of the annual Payment thereof for the said Year, the Amount of any Excess so paid or received, beyond such Moiety or Half Part, shall be repaid or allowed to or for the Use of the Party by whom such Excess was paid; and all such Payments and Allowances shall in all cases be made in such manner, at such Times, and by such Collectors of Excise and Taxes, and shall be subject to such Orders, Rules, Regulations and Directions with respect thereto, and to the receiving, levying, collecting and Repayment and Disbursement of the same, as the said Commissioners of Inland Excise and Taxes, or any Three of them, shall from time to time think fit to make and appoint.

Where Payment made exceeds the Moiety, Excess repaid.

Assessments made, or any thing done by Officer before July 5, 1822, declared valid.

IV. Provided always, and be it enacted, That every Assessment and Charge of the Rates, Duties, and Taxes in respect of Fire Hearths and other Places for Firing or Stoves, and in respect of Windows or Lights or any of them, which shall have been made, and also every Act, Matter and Thing which shall have been done or performed by any Officer or other Person appointed by or acting under the Orders or Directions of the said Commissioners of Inland Excise and Taxes in *Ireland*, in relation to the said Rates, Duties and Taxes, or any Composition for the same, at any Time since the Fifth Day of *January* One thousand eight hundred and twenty two, and before the Fifth Day of *July* One thousand eight hundred and twenty two, pursuant to the Regulations and Provisions of the said several recited Acts, or any of them, shall be and the same is and are hereby declared to be good, valid and effectual, to all Intents and Purposes whatsoever, save and except only so far as the said Acts are altered or repealed by this Act.

So much of 58 G. 3. c. 54. and of Sched. (I.) as exempts from Duty on Dogs Persons not subject to Hearth or

V. And be it further enacted, That so much of the said recited Act of the Fifty eighth Year of the Reign of His said late Majesty King *George* the Third, and of the Schedule marked I. thereto annexed, as exempts from the Duty on Dogs, imposed by the said Act and the said Schedule, any Dog not being a Hound, Greyhound, Pointer, Setting Dog, Spaniel, Terrier or Lurcher, kept by the Occupier of any House not subject to any Tax with respect

respect to Hearths or Windows, who shall keep One such Dog and no more, shall cease and determine, and shall be and the same is hereby repealed; and that from and after the passing of this Act, no Tax shall be charged in respect of One Dog, not being a Hound, Greyhound, Pointer, Setting Dog, Spaniel, Terrier or Lurcher, which shall be kept by any Person not liable to any Tax in respect of any Carriage or Servant, or other Male Person or Horse, Mare or Gelding; provided that such Person shall not have or keep more than One such Dog.

Window Duty, repealed.

Exemption for One Dog.

CAP. LV.

An Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, and for the more effectual Prevention of Depredations on the River *Thames* and its Vicinity, for Seven Years.

[5th *July* 1822.]

'WHEREAS it is expedient that the Provisions of an Act made in the last Sessions of Parliament, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, and for the more effectual Prevention of Depredations on the River* Thames *and its Vicinity, for One Year*, should be continued and amended:' May it therefore please Your Majesty that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Police Offices now established in the Parishes of *Saint Margaret Westminster*, *Saint James Westminster*, *Saint Mary-le-bone*, *Saint Andrew Holborn*, *Saint Leonard Shoreditch*, *Saint Mary Whitechapel* and *Saint John Wapping*, in the County of *Middlesex*, and *Saint Saviour* in the County of *Surrey*, shall be continued; and that the several Persons heretofore appointed to execute the Duties of a Justice of the Peace at the Police Offices now established under the said recited Act, shall continue to execute the same at the said Eight Police Offices, together with such other Justices of the Peace for the said Counties respectively as may think proper to attend thereat; and that it shall be lawful for His Majesty, His Heirs and Successors, upon every Vacancy, by Death or otherwise, to appoint another fit Person, being a Justice of the Peace of the said Counties of *Middlesex* and *Surrey* respectively, to execute the Duties of a Justice of the Peace at the said several Police Offices, in lieu of the Person making such Vacancy.

1 & 2 G. 4. c. 118.

The Public Offices now established continued.

Justices to act.

His Majesty may appoint Justices to fill up Vacancies.

II. And be it further enacted, That One or more of the said Justices so appointed shall diligently attend at each of the said Police Offices every Day, from Ten of the Clock in the Morning until Eight of the Clock in the Evening, and at such other Times and Places as shall be found necessary, and directed by One of His Majesty's Principal Secretaries of State; and that Two of the said Justices shall in like manner attend together at each of the said Offices from Twelve of the Clock at Noon until Three in the Afternoon: Provided always, that no such Attendance shall be given on *Sunday*, *Christmas Day*, *Good Friday* or any Day appointed

Time of Attendance.

pointed for a Public Fast or Thanksgiving, unless in Cases of urgent Necessity, or when it shall be directed by such Principal Secretary of State.

The present Receiver continued in Office; in case of Death, His Majesty may appoint another.

His Duty, in respect of receiving Fees, &c.

III. And be it further enacted, That the present Receiver for the said Police Offices shall continue such Receiver, and that it shall be lawful for His Majesty, His Heirs and Successors, upon any Vacancy in the said Office of Receiver, by Death or otherwise, to appoint any other proper Person, not being One of the Justices appointed to act at either of the said Police Offices, to be the Receiver of the said Eight Police Offices; and that the said Receiver for the time being shall receive all Fees, Penalties and Forfeitures, and other Sums of Monies applicable to the Purposes of this Act, and shall keep an exact and particular Account of all such Monies as shall be received by him, and shall apply the same quarterly in Discharge of the Salaries, Expences and Charges attending the said Police Offices, and in carrying this Act into Execution; and

Making Contracts, &c. for Houses for Police Offices.

shall make all such Contracts and Disbursements as shall be necessary for purchasing, hiring, fitting up and furnishing proper and sufficient Houses and Buildings wherein the said Eight Police Offices shall be held, in such manner as His Majesty, His Heirs and Successors, by and with the Advice and Consent of His or Their Privy Council, shall think proper to direct and appoint; of which Houses and Buildings so to be hired or purchased, and of all Houses and Buildings already hired or purchased for the like Purposes, and of the Fixtures and Furniture thereof, and of all other Necessaries to be held or purchased for the Purposes of this Act, the Property acquired therein, shall be vested in the Receiver for the time being, who shall and may sell, assign and dispose of the same or any Part thereof, under the like Directions and Appointment, as occasion shall require; and such Receiver shall prepare

Preparing Plans and Estimates of Contracts, &c.

proper Plans and Estimates of all such Contracts and Disbursements as shall be necessary for the Purposes aforesaid, and shall deliver the same to One of His Majesty's Principal Secretaries of State; and such Receiver shall further do and execute all such other lawful Matters and Things towards the Establishment of the said Eight Police Offices, and towards the carrying this Act into Execution, as His Majesty, His Heirs and Successors, by and with the Advice of His or their Privy Council, shall from time to time think proper to direct.

Justices to employ Constables, subject to Approbation of Secretary of State;

IV. And be it further enacted, That the Justices appointed as aforesaid, or any Two of them, in their respective Offices, shall appoint, retain and employ a sufficient Number of fit and able Men, subject to the Approbation of One of His Majesty's Principal Secretaries of State, whom they are hereby authorized and empowered to swear in to act as Constables, for preserving the Peace and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; which Constables so sworn shall, within the Counties of *Middlesex*, *Surrey*, *Essex* and *Kent*, have all such Powers, Authorities, Privileges and Advantages as any Constable duly appointed now has or hereafter may have by virtue of any Law or Statute now made or hereafter to be made; and shall obey all such lawful Commands as they shall from time to time receive from the said Justices respectively, for the apprehending Offenders, or otherwise conducting themselves in the Execution of

of their Offices; and such Justices may at any time suspend or dismiss from his Employment any such Constable attached to their respective Offices, whom they shall think remiss or negligent in the Execution of his Duty, or otherwise unfit for the same; and when any such Constable shall be so dismissed, or cease to belong to any of the said Offices, all Powers and Authorities vested in him as a Constable under and by virtue of this Act shall immediately cease and determine, to all Intents and Purposes whatever.

and may dismiss, &c.

V. And be it further enacted, That the Justices appointed to the said Police Office in the Parish of *Saint John Wapping*, commonly called the *Thames Police Office*, or any Two of them, shall (subject to such Approbation as aforesaid) appoint, retain and employ any Number of fit and discreet Men, not exceeding Thirty, who, under the Name of *Thames* Police Surveyors, shall (being first duly sworn in manner above mentioned) have, within the Counties aforesaid, the Powers, Authorities, Privileges and Advantages of a Constable as aforesaid; and shall direct and inspect the Conduct of the Constables attached to the *Thames* Police Office, and of all Persons to be employed in and about Ships and Vessels in the said River *Thames*, or in or on the several Creeks, Wharfs, Quays and Landing Places thereto adjacent, and (subject to the Orders of the said last mentioned Justices) shall have Power by virtue of their Offices to enter at all Times, as well by Night as by Day, into and upon every Ship, Hoy, Barge, Lighter, Boat or other Vessel (not being then actually employed in His Majesty's Service) lying or being in the said River or Creeks, and into every Part of every such Vessel, for the Purpose of inspecting, and upon occasion directing the Conduct of any Constable who may be stationed on board of any Vessel, and of inspecting and observing the Conduct of all other Persons who shall be employed on board of any Vessel in or about the lading or unlading thereof, as the case may be, and for the Purpose of taking all such Measures as may be necessary for providing against Fire and other Accidents, and preserving Peace and good Order on board of any such Vessel, and for the effectual Prevention in all Cases of any Felonies or Misdemeanors being committed, and for the effectual Detection of any Felonies or Misdemeanors which may have been committed, or which such Surveyor may have reasonable Cause to suspect to have been committed on board any such Vessel; and the Justices appointed to the said *Thames* Police Office may at any Time suspend or dismiss any such *Thames* Police Surveyor whom they shall find remiss or negligent in the Execution of his Duty, or otherwise unfit for the same; and when any such Surveyor shall be so dismissed, or cease to belong to the said Office, all Powers and Authorities vested in him as such Surveyor under and by virtue of this Act, shall immediately cease and determine to all Intents and Purposes whatever.

Thames Police Surveyors to be appointed in like manner.

Powers, &c.

Their Duty as to inspecting Constables, &c.

Entering Vessels and inspecting.

Justices may suspend or dismiss Surveyors

VI. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, to direct that such Sum shall be issued Quarterly out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Receiver, as will be sufficient to pay the Yearly Salary of Six hundred Pounds, clear of all Fees or Deductions, to each of the Justices so appointed to attend at the said Police Offices for their Time and Trouble; and

Salary of Justices.

such

Further Sums to be issued for Payment of Clerks, Constables, &c. and for Bow Street Office, and Horse and Foot Patrol.

such further Sums as may be necessary for the Expences of the Offices, and for the Payment of Clerks, Constables, Surveyors and others therein employed, and for the Payment of the Expences of the Public Office in *Bow Street*, and of the Magistrates, Clerks and Constables, and others therein employed, and of the Horse and Foot Patrol acting under the Orders of the Chief Magistrate of that Office; provided that the Whole of the said Charges shall not exceed the annual Sum of Sixty eight thousand Pounds, over and above the necessary Disbursements for purchasing, hiring, repairing, fitting up and furnishing the Houses and Buildings wherein the said Offices shall be held; and that the said Receiver, out of the Monies so issued to him, shall and may pay to the Constables and Surveyors so appointed as aforesaid, for their Trouble and Attendance, such Sum as may from time to time appear reasonable to One of His Majesty's Principal Secretaries of State, and any extraordinary Expences they shall appear to have been necessarily put to in apprehending Offenders, and executing the Order of the Justices acting under and by virtue of this Act; such extraordinary Expences being first examined and approved of by the Justices attending the Police Office to which such Constables shall be respectively attached; and such further Sum for rewarding the extraordinary Diligence or Exertion of any of the said Constables or Surveyors, and for compensating them for Wounds or severe Injuries received in the Performance of their Duties, and for an Allowance to such of them as shall be completely disabled by bodily Injury received, or shall be worn out by Length of Service, as shall be directed by such Principal Secretary of State.

No Justice to take Fees but at the Public Offices.

VII. And be it further enacted, That no Justice of the Peace for the County of *Middlesex*, County of *Surrey*, City and Liberty of *Westminster*, or Liberty of the Tower of *London*, or his Clerk, or any Person on their Behalf, elsewhere than at the said Police Offices, shall directly or indirectly, upon any Pretence or under any Colour whatever, take or receive any Fee, Reward, Gratuity or Recompence, for any Act, by him or them done or to be done in the Execution of his or their Office or Employ, as Justice of the Peace, or Clerk as aforesaid, within the Limits of the Weekly Bills of Mortality, or within the Parishes of *Saint Mary-le-bone*, *Paddington*, *Saint Pancras*, *Kensington*, and *Saint Luke Chelsea*, in the said County of *Middlesex*, upon pain of forfeiting the Sum of One hundred Pounds for every such Offence, One Moiety thereof to the said Receiver, to be applied to the Purposes of this Act, and the other Moiety thereof, with full Costs of Suit, to the Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint or Information, wherein no Essoign, Privilege, Wager of Law or more than One Imparlance shall be allowed: Provided always, that nothing in this Act contained shall be construed to extend to any Fees taken at any General or Quarter Sessions of the Peace, or at any Meeting of Justices for the Purpose of licensing Alehouses, or to any Fees taken at the said Public Office in *Bow Street*, or to any Fees taken by the Vestry Clerk of any Parish for the Purpose of enforcing the Payment of any Taxes or Assessments arising within the same Parish, or for the Purpose of hearing and determining any

Penalty, 100*l*.

Proviso for Fees at Quarter Sessions, and others herein mentioned.

Offence

Offence cognizable before Justices of the Peace, by virtue of any Statute made and provided for the special Regulation or Government of such Parish.

Table of Fees to be hung up.

VIII. And be it further enacted, That in some conspicuous Part of each of the said Police Offices, and also of the said Public Office in *Bow Street*, there shall be affixed a Table of the Fees which may legally be taken at such Offices respectively, under an Act passed in the Twenty sixth Year of the Reign of King *George* the Second, intituled *An Act for the settling and ascertaining the Fees to be taken by Clerks to Justices of the Peace;* and under another Act passed in the Twenty seventh Year of the Reign of King *George* the Second, intituled *An Act for making perpetual several Laws for Punishment of Persons destroying Turnpikes, Locks or other Works erected by Authority of Parliament; and that all Acts made for erecting Courts of Conscience shall be deemed Public Acts; and to empower a certain Number of the Trustees of the* British Museum *to do certain Acts; and for confirming the Tables of Fees to be taken by the Clerks to the Justices of the Peace for the County of* Middlesex; *and for giving further Time for the Payment of Duties omitted to be paid for the Indentures or Contracts of Clerks and Apprentices; and for filing Affidavits in the Execution of Contracts of Clerks to Attornies and Solicitors; and for preventing Persons driving certain Carriages from riding upon such Carriages;* and that it shall be lawful for any Justice at such Offices respectively to refuse to do any Act for which any Fee shall be demandable, unless such Fee shall be first paid; and that if any such Act shall be done, and the Fee due thereon shall not be paid, it shall be lawful for any Justice of the Peace to summon the Person from whom such Fee shall be due, and to make Order for Payment of the same, with the Costs of the Proceedings, and in Default of Payment to levy the same, with the Costs of the Distress, by Warrant under his Hand and Seal.

26 G.2. c.14.

27 G.2. c.16.

Justices may refuse to act until Fee Paid, and may Summon for Fees Due, &c.

Account of Fees, &c. received at the Police Offices to be delivered quarterly to Receiver, and Amount thereof paid to him.

IX. And be it further enacted, That the Justices so appointed to attend at the said Police Offices, and their Clerks respectively, shall in Books to be provided for that Purpose keep a full, true and particular Account of all Fees taken and received at each of the said Offices, together with all Penalties and Forfeitures which shall have been recovered, levied or received in pursuance of any Adjudication, Conviction or Order had or made at any of the said Offices, or any Process or Warrant issuing from the same; to which Books of Account the said Receiver shall at all Times have free Access; and the said Justices shall, once in every Quarter of a Year, deliver unto such Receiver such Account, verified upon Oath by such Justice or Justices, Clerk or Clerks, or such other Person or Persons as shall be employed in keeping such Accounts respectively, or any Part thereof, before some Justice of the Peace for the said County of *Middlesex*, or County of *Surrey*, and shall pay the Amount of all such Fees unto such Receiver, to be applied in manner hereinbefore mentioned.

Penalties (except to Informers or Parties aggrieved) recovered at

X. And be it further enacted, That all such Penalties and Forfeitures, and Shares of Penalties and Forfeitures, as are by any Act now in force, or shall be by any future Act (unless it shall contain express Words to the contrary) limited and made payable to His Majesty, His Heirs and Successors, or to any Description of Persons

Police Offices, paid to Receiver.

sons other than the Informer or Informers who shall sue for the same, or any Party aggrieved, and which shall be recoverable in a summary Way before a Justice or Justices of the Peace, and which shall be recovered or adjudged before any Justice or Justices at either of the said Eight Police Offices, or at the said Public Office in *Bow Street*, shall be accounted for and paid into the Hands of the said Receiver, by the Justice, Clerk, Constable, Officer or other Person or Persons who shall levy or receive the same, to be applied by such Receiver in manner hereinbefore mentioned.

If Fees and Penalties not accounted for, Receiver may sue in any Court of Record.

XI. And be it further enacted, That if the Justices appointed as aforesaid, or any other Person having received any such Fees at any of the said Police Offices, shall neglect to account for and pay the same in manner aforesaid; or if any Justice, Justice's Clerk, Constable, Officer or other Person, who shall levy or receive such Penalties or Forfeitures, or Shares of Penalties or Forfeitures, shall neglect to pay the same into the Hands of such Receiver; or if any Person, having resigned any such Office of Receiver, or having been removed from the same, shall neglect, within Twenty one Days after Notice for that Purpose, to account for and pay into the Hands of the succeeding Receiver all such Sums of Money as shall remain in his Hands applicable to the Purposes of this Act; it shall be lawful for such Receiver for the time being, in his own proper Name only, or by his Name and Description of Office, to sue for and recover the same, with Double Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, in which Action it shall be sufficient for such Receiver to declare as for Money had and received to the Use of such Receiver for the Purposes of this Act; and the Defendant or Defendants in such Action may, at the Discretion of any Judge of such Court, be held to special Bail in such competent Sum as such Judge shall order and direct; and in any such Action the Court in which such Action shall be brought may, if such Court shall think proper, at the Instance of either of the Parties, refer the Account in Dispute, in a summary manner, to be audited by any Officer of the Court or other fit Person at their Discretion, who may examine both Plaintiff and Defendant upon Oath, (which Oath the said Referee shall have Power to administer); and upon the Report of such Referee, unless either of the Parties shall shew good Cause to the contrary, such Court may make a Rule, either for the Payment of such Sum as upon such Report shall appear to be due, or for staying the Proceedings in such Cause, and upon such Terms and Conditions as to the same Court shall appear reasonable and just; or may order Judgment to be entered up by Confession, for such Sum as upon such Report shall appear to be due.

Account in Dispute may be referred in such Action.

Judgment entered up thereon.

Receiver may sue for Money in the Hands of deceased Receivers, and recover from Executors.

XII. And be it further enacted, That in Case of the Death of any such Receiver, or of any Person having resigned, or been removed from such Office, or of any of the other Persons whom the said Receiver for the time being is authorized to sue as aforesaid, in every such case, the Receiver for the Time being may, in his own proper Name only, or by his Name and Description of Office, sue for and recover such Sum of Money as shall have been remaining in the Hands of such deceased Receiver or other Person, applicable to the Purposes of this Act, or the Executors or Administrators of such Person deceased; in which Action it shall be sufficient

sufficient for the Plaintiff to declare that the Deceased was indebted to the Plaintiff for Money had and received to his Use for the Purposes of this Act, or that the Deceased died possessed of Money had and received for the Purposes of this Act, whereby an Action accrued to the Plaintiff to demand and have the same of such Executors or Administrators; and the like Action shall and may be brought against any Executors or Administrators of Executors or Administrators; in all which Actions the Defendant or Defendants may plead in like manner, and avail themselves of the like Matters in their Defence as in any Action founded upon Simple Contracts of the original Testator or Intestate; and in all Actions to be brought by such Receiver by virtue of this Act, Proof of the Plaintiff's acting in the Execution of such Office shall be sufficient Evidence of his holding the same, unless the contrary shall be shewn in Evidence by the Defendant or Defendants in such Action.

Pleading therein by Defendants.

XIII. And be it further enacted, That such Receiver shall, every Three Months, and oftener if required, deliver to the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, for the time being, a full and particular Account of all Monies by him received and paid as aforesaid, with Vouchers for the same; which Account shall be verified upon Oath, before some Justice or Baron of one of His Majesty's Courts of Record at *Westminster*; and such Receiver, for his Care and Pains in the Execution of such Office, shall and may retain to his own Use, out of the Monies so received by him as aforesaid, a Sum not exceeding Four hundred Pounds.

Receiver to render Accounts quarterly, or oftener if required.

Allowance to Receiver.

XIV. And be it further enacted, That no Justice appointed as aforesaid shall, during his Continuance in such Appointment, be capable of being elected, or of sitting as a Member of the House of Commons; and that no Justice, Receiver, Surveyor or Constable, appointed by virtue of this Act, shall, during the Time that he shall continue in his Office respectively, or within Six Months after he shall have quitted the same, be capable of giving his Vote for the Election of a Member to serve in Parliament for the Counties of *Middlesex* or *Surrey*, or for the City and Liberty of *Westminster* or the Borough of *Southwark* respectively; nor shall by Word, Message, Writing or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for the said Counties, City or Borough; and every such Justice, Receiver, Surveyor or Constable, offending therein, shall forfeit the Sum of One hundred Pounds; one Moiety thereof to the Informer, and the other Moiety thereof to the Use of the Poor of the Parish or Place where such Offence shall be committed; to be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, Privilege, Wager of Law or more than One Imparlance shall be allowed; such Action to be brought within the Space of One Year after such Offence committed: Provided nevertheless, that nothing in this Act shall extend to subject any such Justice, Receiver, Surveyor or Constable, to any Penalty for any Act done by him at or concerning any

Justices not to sit in Parliament.

No Justice, Receiver, Surveyor or Constable to vote at certain Elections.

Penalty, 100l.

Limitation of Actions.

Proviso for Acts done at Election in Discharge of Duty.

any of the said Elections, in the Discharge of his Duty in the said respective Capacities.

What Acts may be done by a Justice in next Police Office, &c.

XV. And be it further enacted, That where by any Law now in being, or hereafter to be made, any Act is directed or authorized to be done by any Justice or Justices of the Peace residing in or near or next the Parish or Place where any Offence or other Matter cognizable before them shall be committed or shall arise, the same Jurisdiction shall and may be exercised by a Justice or Justices acting in such of the said Police Offices as may be situated next or near such Parish or Place.

His Majesty in Council may alter Situation of Offices.

XVI. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by and with the Advice of His or Their Privy Council, to make such Alterations in the Places where any of the said Police Offices shall be situated, or to make such Alterations in the Hours of Attendance therein, and to make all such other Regulations to be observed in conducting the same, as he or they from time to time shall think proper.

For the Regulation of Fairs.

'XVII. And Whereas divers Fairs are held within the City 'and Vicinity of *London*, by Charter or Prescription, and other 'Fairs without any lawful Authority, which lead to Scenes of Riot, 'Disorder, Debauchery and Crime, and it is expedient to regu-'late such Fairs as are legally held, and to suppress such as have 'no lawful Origin;' Be it therefore enacted, That † all Fairs held within Ten Miles of *Temple Bar*, all Business and Amusements of all Kinds, shall cease at the Hour of Eleven in the Evening, and not recommence earlier than the Hour of Six in the Morning; and that if any House, Shop, Room, Booth, Standing, Tent, Caravan, Waggon or other Place, shall, during the Continuance of any such Fair as aforesaid, be open within the Hours hereinbefore prohibited, for any Purpose of Business or Amusement in the Place where such Fair shall be held, or within Three hundred Yards thereof, then it shall be lawful for any Constable or other Peace Officer, within his Jurisdiction, to take into Custody the Master or Mistress, or other Person having the Care, Government or Management of any such House, Shop, Room, Booth, Standing, Tent, Caravan, Waggon or other Place, and also every Person being therein, and who shall not quit the same forthwith upon being bidden by any such Constable or other Peace Officer so to do, and to convey every such Person so taken, as soon as conveniently may be, before a Justice of the Peace, who shall proceed to hear the Complaint in a summary Way; and every Person convicted before any such Justice, as the Master, Mistress or Person having the Care, Government or Management of any such House, Shop, Room, Booth, Standing, Tent, Caravan, Waggon or other Place, shall forfeit and pay the Sum of Five Pounds; and every Person so convicted as having been therein, and not quitted the same forthwith upon being bidden by a Constable or other Peace Officer so to do, shall forfeit and pay the Sum of Forty Shillings, and if the Party so convicted shall not immediately pay the Penalty, the Justice shall commit him or her to hard Labour in the House of Correction for any Space of Time not exceeding Three Months, nor less than Six Days, unless the Penalty shall be sooner paid; and if there shall appear to any Two Justices within their respective

† *Sic.*

Keeping open Houses, &c. within the Hours prohibited,

Penalty, 5l. for the Master, and on any Person refusing to quit, 40s.

spective Jurisdictions, Reason to believe that any Fair usually held within the Distance aforesaid, has been held without Charter, Prescription or other lawful Authority, or that any Fair lawfully held within the said Distance has been usually held for a longer Period than is warranted by Charter, Prescription or other lawful Authority, it shall be competent to them to summon the Owner or Occupier of the Ground upon which such Fair is usually held, to appear before such Justices as may be present at some Petty Sessions, be held at the Time and Place to be specified in the Summons, not less than Eight Days after the Service of the Summons, to shew his Right and Title to hold such Fair or to hold such Fair beyond a given Period, (as the case may be); and if such Owner or Occupier shall not attend in pursuance of such Summons, or shall not shew to the Justices present at such Petty Sessions sufficient Cause to believe that such Fair has been held by lawful Right and Title, for the whole Period during which the same has been usually held, such Justices shall declare, in Writing, such Fair to be unlawful, either altogether or beyond a stated Period (as the case may be), and shall give Notice of such their Declaration, by affixing Copies thereof on the Parish Church, and on the most public Places in and near the Ground where such Fair has been usually held; and if after such Notices shall have been affixed for the Space of Six Days any Attempt shall be made to hold such Fair, if it shall be declared altogether unlawful, or to hold it beyond the prescribed Period, if it shall be declared unlawful beyond a certain Period, any Justice of the Peace within his Jurisdiction may, by his Warrant, direct any Constable or other Peace Officer to remove every Booth, Standing and Tent, and every Carriage, of whatsoever Kind, conveyed to or being upon such Ground for the Purpose of holding or continuing such Fair, and to take into Custody every Person erecting, pitching or fixing, or assisting to erect, pitch or fix, any such Booth, Standing or Tent, and every Person driving, accompanying or conveyed in every such Carriage, and every Person resorting to such Ground with any Exhibitions, Shows, Swings, Roundabouts, Whirligigs or other Instruments of Gambling or Amusement, and to carry every Person so taken before the Justice granting such Warrant, or before some other Justice, who shall proceed to hear the Complaint in a summary Way; and every Person convicted before any such Justice of any of the Offences last aforesaid, shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Twenty Shillings; and if the Party so convicted shall not immediately pay the Penalty, the Justice shall commit him or her to hard Labour in the House of Correction, for any space of Time not exceeding Three Months, nor less than Six Days, unless the Penalty shall be sooner paid: Provided nevertheless, that if the Owner or Occupier of the Ground whereon any such Fair has been usually held, shall, when summoned before the Justices at their Petty Sessions as aforesaid, enter into a Recognizance in the Penal Sum of Two hundred Pounds (which Recognizance such Justices are hereby authorized to take), with Condition to appear in the Court of King's Bench on the First Day of the then next Term, and to answer to any Information in the Nature of a *Quo Warranto*, which His Majesty's Attorney or Solicitor General may exhibit against such Owner or Occupier,

Fairs held without lawful Authority to be enquired into.

Notice if declared unlawful.

If declared unlawful, Booths, &c. to be removed.

Penalty not exceeding 10l. nor less than 20s.

On entering into Recognizance, Question as to Right of Title to Fair may be tried in the King's Bench.

touching the Right and Title to such Fair, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court, which Costs the said Court is hereby authorized to award, then notwithstanding the Justices shall declare such Fair to be unlawful, they shall forbear from giving Notice of such their Declaration, and from taking any further Measures thereon, until Judgment shall be given by the said Court against the Right and Title to such Fair; and the Justices taking such Recognizance shall forthwith transmit the same to One of His Majesty's Principal Secretaries of State, to the End that the same may be filed in the said Court, and such further Directions may be given thereon as to such Secretary of State may seem fit and necessary.

Recognizance transmitted to Secretary of State.

Regulations as to Coffee Shops.

'XVIII. And Whereas it hath become a Practice of late to open 'Shops or Rooms for the Sale or under the Pretence of selling 'ready made Coffee, Tea and other Liquors, and to keep such 'Shops or Rooms open during the whole or the greatest Part of 'the Night, thereby affording Shelter and Accommodation to 'Thieves, Prostitutes and other disorderly Persons, and tending 'greatly to the Encouragement of Robberies and to the Con-'cealment of stolen Property;' Be it further enacted, That no Shop, Room or Place, for the Purpose aforesaid, within the City of *London* or the Liberties thereof, within the Limits of the Weekly Bills of Mortality, or within any of the Parishes hereinbefore mentioned, shall be kept open after the Hour of Eleven at Night during any Part of the Year, nor opened before the Hour of Four in the Morning, between *Lady Day* and *Michaelmas*, or before Six in the Morning between *Michaelmas* and *Lady Day;* and if any such Shop, Room or Place, shall be open within the Hours hereinbefore prohibited, or being shut up, if any Person shall during those Hours be found therein, except the Persons actually dwelling there, or having lawful Excuse for being there, then the Master, Mistress, Waiter or other Person having the Care, Government or Management of such Shop, Room or Place, whether he or she be the real Owner or Keeper thereof or not, shall forfeit and pay any Sum not exceeding Ten Pounds, nor less than Twenty Shillings, upon Conviction of any such Offence before any Justice of the Peace, by Confession or upon the Oath of One or more credible Witness or Witnesses: and if the Party so convicted shall not immediately pay the said Penalty, the Justice shall commit him or her to hard Labour in the House of Correction, for any Space of Time not exceeding Three Months, nor less than Six Days, unless the said Penalty shall be sooner paid; and the said Penalty, when paid, shall be distributed, One Moiety to the Informer, and the other Moiety to the Chamberlain of the City of *London*, if the Offence be committed in the said City, and if out of the said City, then to the said Receiver for the Purposes of this Act: Provided always, that nothing herein contained shall apply to or affect any House duly licensed for the Sale of Wines and Spirituous Liquors; and that no such Conviction shall exempt the Owner, Keeper or Manager of any such Shop, Room or Place, from any Penalty or penal Consequence whereto he or she may be liable for keeping a disorderly House.

Penalty not exceeding 10l. nor less than 20s.

Application of Penalty.

Proviso for Houses for Sale of Wines and Spirits.

Blowing of

XIX. And be it further enacted, That if any Person shall, within the

the City of *London*, and Liberties thereof, or within the Limits and Parishes aforesaid, blow any Horn, or use any other noisy Instrument for the Purpose of hawking, selling or distributing any Article whatsoever, it shall be lawful for any Constable, Headborough, Patrol, Watchman or other Person, to apprehend every Person so offending, and convey him before any Justice of the Peace, who shall proceed to examine upon Oath any Witnesses appearing to give Evidence touching such Offence; and if the Party accused shall be convicted of such Offence, then and in every such case he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, to be applied in such manner as such Justice shall direct; and in case the Offender shall not upon Conviction forthwith pay the Penalty, such Justice is hereby required to commit such Offender to the House of Correction, there to be kept to hard Labour for any time not exceeding Ten Days, nor less than Three Days, unless the Penalty shall be sooner paid.

Horns for Sale of Articles, &c.

Penalty not exceeding 40s. nor less than 10s.

XX. And be it further enacted, That every Conviction for the Offences aforesaid shall be in the following Form of Words, or in some other Form of Words to the like Effect:

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord A. B. is brought before me, [*or*, having been duly summoned, has neglected to appear before me], C. D. Esquire, One of His Majesty's Justices of the Peace in and for the County of [*or*, City, *or* Liberty, *or* Place, *as the case may be*], and is charged before me the said Justice with having [*here describe the Offence*], and it appearing to me the said Justice, upon the Confession of him the said A. B. [*or*, upon the Oath of a credible Witness, *as the case may be*], that the said A. B. is guilty of the said Offence; I do therefore adjudge the said A. B. to forfeit and pay the Sum of ; and in default of Payment, to be imprisoned in the House of Correction at and there kept to hard Labour for the Term of unless the said Penalty shall be sooner paid; and I do hereby direct, that the said Penalty shall, when paid, be applied to [*here direct the Mode.*] Given under my Hand and Seal, the Day and Year first above written.'

'XXI. And Whereas ill disposed and suspected Persons and reputed Thieves frequent the Parks, Fields, Streets, Highways and Places adjacent, and divers Places of public Resort, and the Avenues leading thereto, within the City of *London* and the Liberties thereof, the Limits of the Weekly Bills of Mortality, and the said Parishes of *Saint Mary-le-bone*, *Paddington*, *Saint Pancras*, *Kensington*, and *Saint Luke*, *Chelsea*, and also the said River *Thames*, and the Docks and Creeks, Quays and Warehouses adjacent thereto, and the Streets, Highways and Avenues leading to the said River, Docks, Creeks, Quays and Warehouses, with Intent to commit Felony on the Persons or Property of His Majesty's Subjects; and although their evil Purposes are sufficiently manifest, the Power of His Majesty's Justices of the Peace to demand of them Sureties for their good Behaviour, hath not been of sufficient effect to prevent them from carrying their evil Pur-

Constables may apprehend suspected Persons.

'poses into Execution;' Be it further enacted, That it shall be lawful for any Constable, Headborough, Patrol, Watchman or other Person, to apprehend every such suspected Person or reputed Thief, and convey him or her before any Justice of the Peace; and if it shall appear before the said Justice, upon the Oath of One or more credible Witness or Witnesses, that such Person is a Person of evil Fame and a reputed Thief, and such Person shall not be able to give a satisfactory Account of himself or herself, and of his or her Way of Living, and it shall also appear to the Satisfaction of the said Justice, that there is just Ground to believe that such Person was in or on such Park, Field, Street, Highway, River, Dock, Creek, Quay, Warehouse, Avenue or other Place as aforesaid, with such Intent as aforesaid, every such Person shall be deemed a Rogue and Vagabond, within the Intent and Meaning of an Act made in the present Session, for consolidating and amending the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons.

In what case deemed Rogues and Vagabonds.

Form of Conviction.

XXII. And be it further enacted, That every such Conviction shall be in the following Form of Words or in some other Form of Words to the like effect:

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is brought before me *C. D.* Esquire, One of His Majesty's Justices of the Peace in and for the County of [*or* City, Liberty, *or* Place, *as the case may be*], and charged before me the said Justice with being a Rogue and Vagabond, he the said *A. B.* having been apprehended on the Day of in a certain called in the Parish of in the said County [*or* City, *et cetera, as the case may be*]; and it appearing to me the said Justice, on the Oath of a credible Witness, that the said *A. B.* is a Person of evil Fame and a reputed Thief, and the said *A. B.* on his Examination before me not being able to give a satisfactory Account of himself, or of his Way of Living, and it is † also appearing to the Satisfaction of me the said Justice, that there is just Ground to believe that the said *A. B.* was in such as aforesaid with Intent to commit Felony on the Person or Property of His Majesty's Subjects there being; I do therefore, in pursuance of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled [*here insert the Title of this Act*] convict him the said *A. B.* of the said Offence, and adjudge him to be a Rogue and Vagabond, within the Intent and Meaning of the Statute made in the same Year, intituled *An Act for consolidating into One Act, and amending the Laws relating to idle and disorderly Persons, Rogues and Vagabonds, incorrigible Rogues, and other Vagrants, in* England; and that he, for his said Offence, be committed to the House of Correction at until the next General [*or* Quarter, *as the case may be*] Sessions of the Peace to be holden for the said County [City, *or* Place, *as the case may be*], then and there to be further dealt with according to Law. [*If the Party be committed for a less Time than until the Sessions, then say,* there to remain for the Space of .] Given under my Hand and Seal, the Day and Year first above written.'

† *Sic.*

XXIII.

XXIII. And be it further enacted, That no Conviction under this Act, for any of the Offences aforesaid, shall be quashed or set aside or adjudged void or insufficient for Want of Form; nor shall the same be removed by Certiorari into His Majesty's Court of King's Bench; but that in all Cases where the Penalty shall exceed the Sum of Five Pounds, or One Month's Imprisonment, if any Person shall think himself aggrieved by such Conviction, such Person may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County or City wherein the Cause of Complaint shall have arisen, such Person at the Time of his Conviction entering into a Recognizance with Two sufficient Sureties, conditioned personally to appear at the said Sessions to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled; and in case any such Conviction of a reputed Thief shall be affirmed at such Sessions, the said Justices may adjudge the Offender to be a Rogue and Vagabond and proceed against him or her in the same manner as they might have done if such Rogue and Vagabond had been committed to the House of Correction until such General or Quarter Sessions; and in case such Offender shall not appear pursuant to the said Recognizance, the Person so convicted by such Justice shall be deemed an incorrigible Rogue, within the Intent and Meaning of the said last recited Act; and the Justices at such Sessions, or any Two of them, shall issue their Warrant to apprehend and commit the Person so deemed an incorrigible Rogue to some House of Correction or Common Gaol within their Jurisdiction, there to remain until the next General or Quarter Sessions for the said County, City or Liberty, as the case may be, then and there to be further dealt with according to Law.

Conviction not quashed for want of Form, or removable by Certiorari.

Appeal to Quarter Sessions, &c.

Offender not appearing pursuant to Recognizance.

Proceedings.

'XXIV. And Whereas by an Act passed in the Twenty first 'Year of His late Majesty's Reign, intituled *An Act to prevent 'the Mischiefs that arise from driving Cattle within the Cities of 'London and* Westminster, *and Liberties thereof, and Bills of 'Mortality*, a Penalty not exceeding Twenty Shillings nor less 'than Five Shillings is imposed on every Person not being hired 'or employed to drive Cattle, who pelts with Stones or Brickbats, 'or by any other Means drives or hunts away, or sets any Dog 'or Dogs at any Ox, Heifer, Cow, Steer or other Cattle, without 'the Consent of the Owner of the same, or his Servant: And 'Whereas the said Penalty has been found insufficient to deter 'evil disposed Persons from the Practice of hunting Bullocks;' Be it therefore further enacted, That if any Person shall pelt, drive or hunt, or set any Dog or Dogs at any Ox, Heifer, Cow or Steer, contrary to the Provisions of the said last recited Act, such Person shall, upon being convicted thereof according to the same Act, forfeit and pay, on the First Conviction, any Sum not exceeding Forty Shillings nor less than Twenty Shillings, and on the Second and every future Conviction, any Sum not exceeding Five Pounds nor less than Fifty Shillings, to the Person or Persons who shall prosecute such Offender to Conviction, and in Default of Payment shall be committed to the House of Correction, there to be kept to Hard Labour for any time not exceeding Two Months on the First Conviction, nor Five Months on the Second and every

21 G. 3. c. 67. § 2.

Hunting, &c. Oxen, &c.

First Offence, Penalty.

Further Offence.

future Conviction, in the manner prescribed by the said last recited Act.

'XXV. And Whereas it is expedient that the Officers of the 'said Public Office in *Bow Street*, and the Horse and Foot Patrol 'acting under the Orders of the Chief Magistrate of that Office, 'shall be sworn in as Constables, and be empowered to act within 'the said several Counties of *Middlesex*, *Surrey*, *Essex* and *Kent*;'

Officers and Patrols of Bow Street Office to act as Constables.

Be it therefore further enacted, That it shall and may be lawful for the said Chief Magistrate to administer to such Persons respectively an Oath duly to execute the Office of Constable within the Counties aforesaid; and each of such Persons, being sworn, shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Property against felonious and other unlawful Modes of obtaining the same, within any and every of the said several Counties, and for apprehending Offenders against the Peace, as well by Night as by Day; and shall have all such Powers and Authorities, Privileges and Advantages, as any Constable duly appointed now has or hereafter may have within his Constablewick: Provided always, that when any such Constable shall be dismissed from his said Employment, or cease to belong to the said Public Office in *Bow Street*, all Powers and Authorities, Allowances, Emoluments, Privileges and Advantages, vested in the Person so dismissed or ceasing to belong to the said Office, shall immediately cease and determine.

Proviso for dismissal, &c. of Constables.

Parish Watchmen, &c. found negligent, &c.

XXVI. And be it further enacted, for the Purpose of ensuring Competency and Fidelity in the Watchmen and Patrols employed by the Aldermen and Common Council of the City of *London*, and the Vestries and other Parochial and Local Authorities within the Limits of the Weekly Bills of Mortality and the Parishes hereinbefore mentioned, when any Case of Incompetency, Negligence, Misconduct or Delinquency shall appear to any Two Justices of the Peace acting within the said City or Limits and Parishes, against any such Watchman or Patrol, it shall be lawful for the said Two Justices, by Writing under their Hands and Seals, to declare the same, and to pronounce the Man so found incompetent or guilty of such Negligence, Misconduct or Delinquency, to be either suspended for a limited Time, or absolutely dismissed from his Office, as they shall think proper, and to give Notice of such Suspension or Dismissal to the Alderman and Common Council of the Ward, if in the City of *London*, or to the Vestry or other Authority by whom such Watchman or Patrol was appointed, if elsewhere; and every such Watchman or Patrol shall be incapable of being reappointed, either for the same or any other Ward, Parish or Place, while such Suspension or Dismissal shall remain in force; and if no Watchman or Patrol shall be appointed by the Alderman and Common Council of the Ward, or by the Vestry or other proper Authority, at their next Meeting after such Notice shall be delivered to the Deputy of the Ward, or to the Clerk or Secretary of such Vestry, or other proper Authority, or left at the House or Office where their Business is usually transacted, the said Justices shall appoint a Successor, who shall exercise and enjoy the said Duties and Powers, and receive the same Pay, Emolument and Allowances, as if regularly appointed.

Suspended or dismissed by Two Justices.

If no Successor appointed by Alderman, &c.

Justices to appoint.

XXVII.

No Watchman or Patrol to be above 40, &c.

XXVII. And be it further enacted, That no Man shall hereafter be appointed within the Limits and Parishes aforesaid, by any Authority whatsoever, to be a Watchman or Patrol, who shall be above the Age of Forty Years, unless he shall have been previously and up to the Time of such Appointment employed in the said Horse or Foot Patrol.

Allowance to superannuated Watchmen in London.

XXVIII. And be it further enacted, That it shall be lawful for the Aldermen and Common Council of the respective Wards in the City of *London* and Liberties thereof, to make such Allowance to superannuated Watchmen, Beadles or Patrols, as they think proper, to be paid out of the Watch Rate to be raised in such Wards respectively.

Enabling Constables at Watchhouses to take Bail at Night.

XXIX. And be it further enacted, That for the better Administration of the Police within the Limits and Parishes aforesaid, it shall be lawful for the Constable or Headborough attending at any Watchhouse within those Limits and Parishes, between the Hours of Eight in the Afternoon and Six in the Forenoon, to take Bail by Recognizance, without any Fee or Reward, from any Person who shall be brought into his Custody within the said Hours without the Warrant of a Justice, charged with any Petty Misdemeanor, if such Constable shall deem it prudent to take such Bail for the Appearance of such Person before the Justices at the said Public Office in *Bow Street*, or at one of the said Police Offices, to be specified in the Recognizance, for Examination, at the Hour of Ten in the Forenoon next after such Recognizance shall be taken, unless that Hour shall fall on a *Sunday*, or on One of the Days of Absence allowed by this Act, and in that case at the like Hour on the succeeding Day; and that every Recognizance so to be taken shall be of equal Obligation on the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, as if the same had been taken before One of His Majesty's Justices of the Peace; and the Constable or Headborough shall enter in a Book to be kept for that Purpose in every Watch House, the Names, Residence and Occupation of the Party and his Sureties entering into such Recognizance, together with the Condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Party is required to appear; and if the Party does not appear at the Time and Place required, or within One Hour after, the Justice shall cause a Record of the Recognizance to be drawn up, to be signed by the Constable or Headborough, and shall return the same to the next General or Quarter Sessions of the Peace, with a Certificate at the Back thereof, signed by such Justice, that the Party has not complied with the Obligation therein contained, and the Clerk of the Peace shall make the like Estreats and Schedules of every such Recognizance as of Recognizances forfeited in the Sessions of the Peace; and if the Party not appearing shall apply, by any Person on his Behalf, to postpone the Hearing of the Charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the Recognizance to such further Time as he shall appoint; and when the Matter shall be heard and determined, either by the Dismissal of the Complaint, or by binding the Party over to answer the Matter thereof

In Default of Appearance Recognizance to be forfeited.

Time of Hearing may be postponed.

thereof at the Sessions, or otherwise, the Recognizance for the Party's Appearance before the Justice shall be discharged without Fee or Reward.

Wilfully damaging, &c. Boats belonging to Thames Police.

XXX. And be it further enacted, That if any Person shall wilfully destroy or damage, or endeavour to destroy or damage, or be wilfully concerned in destroying or damaging, or endeavouring to destroy or damage, any Boat belonging to or hired or employed by or by the Authority of the Justices appointed to attend at the *Thames* Police Office, or any Part of the Sails, Oars or other Tackle, Stores, Goods or Furniture contained in or belonging to any such Boat, every Person so offending shall forfeit and pay for every Boat so destroyed or damaged, or attempted to be destroyed or damaged, or of which any of the Tackle or other Contents shall have been so destroyed or damaged, or attempted to be destroyed or damaged, any Sum not exceeding Thirty Pounds, or shall suffer Imprisonment for any Time not exceeding Three Months, over and above any such Damages as may be recoverable by Action at Law against any such Offender.

Penalty.

Surveyors having just Cause to suspect Felony, may enter Vessels and take up suspected Persons and the Property.

XXXI. And be it further enacted, That it shall be lawful for every such *Thames* Police Surveyor (subject to the Orders of the said Justices appointed to attend the *Thames* Police Office), having just Cause to suspect that any Felony has been or is about to be committed in or on board of any Ship, Hoy, Barge, Lighter, Boat or other Vessel, lying or being in the said River, Docks or Creeks, to enter at all Times, as well by Night as by Day, into and upon every such Ship, Hoy, Barge, Lighter, Boat or other Vessel, and therein to take all necessary Measures for the effectual Prevention or Detection of all Felonies which he has just Cause to suspect to have been or to be about to be committed in and upon the said River, Docks or Creeks, and to apprehend and detain all Persons suspected of being concerned in such Felonies, and also all Property so suspected to be stolen, and the same to produce before some Justice, to be dealt with according to Law.

Unlawful Quantities of Gunpowder may be seized.

XXXII. And be it further enacted, That it shall be lawful for every such *Thames* Police Surveyor, at any Time between Sunrising and Sunsetting, to enter any Ship or Vessel (except His Majesty's Ships) in the said River, Docks and Creeks, and to search the same for unlawful Quantities of Gunpowder, and also to exercise the same Powers of seizing, removing to proper Places and detaining all such unlawful Quantities of Gunpowder found on board any such Ship or Vessel, and the Barrels or other Packages in which such Gunpowder shall be, as are given to Persons searching for unlawful Quantities of Gunpowder under a Warrant of a Justice, by virtue of an Act passed in the Twelfth Year of His late Majesty's Reign, intituled *An Act to regulate the making, keeping and Carriage of Gunpowder within* Great Britain, *and to repeal the Laws heretofore made for any of those Purposes.*

12 G.3. c.61.

In what case relating to Naval Stores, &c. Boats may be detained, and Persons taken before a Justice, &c.

XXXIII. And be it further enacted, That it shall be lawful for any *Thames* Police Constable or Surveyor, or any other Peace Officer within his Jurisdiction, to stop, search and detain in some Place of Safety, any Boat, Craft or Vessel which there shall be reason to suspect of having therein any of His Majesty's Naval Stores, or any Ropes, Cordage, Tackle, Apparel, Furniture, Stores, Materials or any Part of any Cargo or Lading, or any Lead, Iron, Copper,

Copper, Brass, Bell metal, Pewter, Solder or other Article, stolen or unlawfully procured; and also to apprehend, search and detain any Person who may be reasonably suspected of having or conveying any such Articles in such Boat, Craft or Vessel, or on Land, and to convey every such Person so apprehended (as soon as conveniently may be) before some Justice of the Peace; and if such Person shall not give an Account to the Satisfaction of such Justice how he or she came by the same, then the Person so apprehended shall be deemed and adjudged guilty of a Misdemeanor, and shall suffer as hereinafter mentioned; and such Boat, Craft or Vessel, with her Tackle, Apparel, Furniture and Loading, shall, upon such Conviction, be forfeited and disposed of as is hereinafter directed.

Where there is reasonable Cause for suspecting that any Cargo or any of His Majesty's Stores, &c. have been unlawfully obtained, and are concealed, proceedings.

XXXIV. And be it further enacted, That if on Information given on Oath it shall appear to any Justice that there is reasonable Cause for suspecting that any such Articles as aforesaid, after having been so stolen or unlawfully obtained, are concealed or otherwise lodged in any Dwelling House, Warehouse, Yard, Garden or any other Place, it shall be lawful for such Justice, by Special Warrant under his Hand and Seal, directed to any *Thames* Police Constable or Surveyor as aforesaid, or other Constable within his Jurisdiction, to cause every such Place to be searched at any Time of the Day, or by Night, if Power for that Purpose be especially given in and by such Warrant; and the said Justice, if it shall appear to him necessary, may moreover empower such Constable or Surveyor, with any such Assistance as to the said Justice may appear, or by such Constable or Surveyor may be found necessary (such Constable or Surveyor having previously made known such his Authority), to use force for the effecting of such Entry, whether by breaking open Doors or otherwise; and if upon Search thereupon made any such suspected Article shall be found, then to convey the same forthwith to and before a Justice, or to guard the same on the Spot while the Offenders are taken before a Justice, or otherwise dispose thereof in some Place of Safety, subject to the Orders of a Justice in manner above mentioned; and moreover to apprehend and convey before the said Justice the Person or Persons in whose House, Lodging or other Place the same shall so have been found, as also every other Person found in such House, Lodging or Place, who shall appear to have been privy to the depositing of such Article in such Place, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained: and if such Persons respectively shall not immediately, or within some reasonable Time to be assigned by the Justice, make it appear to the satisfaction of the Justice by what lawful Means such Article or Articles came to be deposited or situated in such Place as aforesaid, without any Default on the Part of such Persons respectively, then and in such case the Person or Persons in whose House, Lodging or other Place any such suspected Article was found, and also every other Person so appearing to have been privy to the depositing thereof, knowing or having Cause to suspect the same to have been stolen or otherwise unlawfully obtained, shall be deemed and adjudged guilty of a Misdemeanor, and shall suffer as hereinafter mentioned.

Misdemeanor.

XXXV. Pro-

Party by whom Goods bought to be examined by Justice;

XXXV. Provided always and be it further enacted, That if any Person, on being so produced before any Justice to give an Account of any Articles seized and detained, in any of the Cases aforesaid, shall declare himself or herself to have bought, received or otherwise obtained such Articles of some other Person, such Justice is hereby authorized and required to examine every such other Person, and also every other prior Purchaser or pretended Purchaser; and if upon the whole Evidence it shall appear to such Justice, that the Party suspected, or the Party upon whom such Articles were found, or the Person so produced, or such prior Purchaser or pretended Purchaser, or any of them, at the Time of his or her receiving such Articles into his or her Possession, did believe or had reasonable Cause to believe that such Articles or any Part thereof, were at any Time and by any Person unlawfully come by or obtained, it shall be lawful for such Justice to adjudge such Party to be guilty of a Misdemeanor, and the Party so convicted shall thereupon suffer as hereinafter mentioned.

and if found to have believed the Goods to have been unlawfully obtained.

Misdemeanor.

Masters of Vessels between Westminster Bridge and Blackwall having on board Guns loaded or discharging Guns before Sunrising or after Sunset, or heating Tar on board.

'XXXVI. And for the more effectual Prevention of Accidents 'by Fire and other Mischiefs upon the said River,' Be it further enacted, That if any Master or Commander, or other Officer of any Ship or Vessel (except His Majesty's Ships,) shall, while such Ship or Vessel shall lie or be in the said River between *Westminster Bridge* and *Blackwall*, keep any Gun on board such Ship or Vessel shotted or loaded with Ball, or cause or permit to be fired or discharged any Gun on board such Ship or Vessel, before Sunrising or after Sunsetting, such Master Commander or other Officer shall, for every such Gun so kept shotted or loaded, forfeit the Sum of Five Shillings; and for every Gun so fired or discharged, the Sum of Ten Shillings; and if any Master, Commander or other Officer of any such Ship or Vessel, or any other Person on board of the same, or any Person on board of any Barge, Lighter, Boat or other Craft or Vessel, shall, while such Ship, Barge, Lighter, Boat, Craft or Vessel shall lie or be in the said River between *Westminster Bridge* and *Blackwall*, heat or melt, or cause or permit to be heated or melted by Fire, Loggerheat Shot, or any other Means, on board any Ship, Barge, Lighter, Boat, Craft or Vessel whatever, any Pitch, Tar, Rosin, Grease, Tallow, Oil or other combustible Matter, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds; and any One of the Justices appointed to attend at the *Thames* Police Office, or any other Justice within his Jurisdiction, is hereby authorized and required, upon any Information exhibited or Complaint made in that Behalf, within Ten Days next after any such Offence shall have been committed, to summon the Party accused, and also the Witnesses on either Side, or after Oath made of the Commission of any of the Facts above mentioned by One or more credible Witness or Witnesses, to issue a Warrant to apprehend the Party accused, and upon the Party's Appearance or Contempt in not appearing (upon the Proof of Notice given), such Justice shall proceed to the Examination of the Witness or Witnesses on Oath, and upon due Proof thereof, either by the voluntary Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, to give Judgment or Sentence; and in case the Party accused shall be

Penalty.

Party not appearing upon Notice.

be convicted of such Offence, it shall and may be lawful for such Justice to commit such Offender to Prison, there to remain for any time not exceeding the Space of Two Months, unless the Penalty shall be sooner paid; and if any Person shall find himself aggrieved by the Judgment of any such Justice, he may appeal to the next Court of General Quarter Sessions for the County or City where such Offence shall have been committed, on giving immediate Notice of such Appeal, and finding sufficient Security, to the Satisfaction of such Justice, for prosecuting such Appeal with effect, and for abiding the Determination of the Court therein; and the said Court are hereby empowered to summon and examine Witnesses upon Oath, and finally to hear and determine the matter, and in case the Judgment shall be affirmed, to award the Person appealing to pay such Costs occasioned by such Appeal as shall seem meet; and One Moiety of all Money recovered on account of every such Penalty shall be distributed, at the Discretion of the Justice making the Conviction, to such Person or Persons as he shall judge to have been instrumental in detecting and prosecuting the Offender.

Appeal to Quarter Sessions.

Security.

Costs.

XXXVII. And be it further enacted, That every Person who for the Purpose of protecting or preventing any Goods, Wares, Merchandize or other Articles whatsoever from being seized, on Suspicion of their being stolen or otherwise unlawfully obtained, or of preventing the same from being produced or made to serve as Evidence of or concerning any Felony or Misdemeanor, shall frame or cause to be framed, or be any wise concerned in framing or causing to be framed any Bill of parcels containing any false Statement in regard to the Name or Abode of any alleged Vendor, the Quantity or Quality of any Goods, the Place from whence, or the Conveyance by which the same were furnished, the Price agreed upon or charged for the same, or any other Particular, knowing such Statement to be false, or who shall fraudulently produce such Bill of Parcels knowing the same to have been fraudulently framed, shall be adjudged guilty of a Misdemeanor, and shall suffer as hereinafter mentioned; and may moreover, at the Discretion of any Justice in whose Jurisdiction such Offence shall be committed, be published and advertised as a Fabricator of false Bills of Parcels, or as a convicted or reputed Receiver of Goods stolen or otherwise unlawfully obtained, as the case may be.

Framing a false Bill of Parcels,

Misdemeanor.

Advertized as Fabricator of False Bills of Parcels, &c.

'XXXVIII. And Whereas, for the Purpose of increasing the 'Facility of Depredation it hath been a common Practice among 'Persons concerned in the landing and warehousing of Merchan-'dize from on board Ships and Vessels in the said River, wilfully 'to injure and promote the opening and breaking of Casks, Bags 'and other Packages, and the spilling of their Contents;' For Remedy thereof, be it further enacted, That if any Person employed in the loading, landing or warehousing of any Goods, or any other Person, shall willfully or through culpable Negligence or Carelessness, cause or suffer, or be concerned in causing or suffering to be broken, bruised, pierced, started, cut, torn or otherwise injured, any Cask, Box, Chest, Bag or other Package, containing or being designed and prepared for containing any Goods while on board of any Barge, Lighter or other Craft lying or being in the said River, or any Dock, Creek, Quay, Wharf or Landing Place adjacent to the

Breaking, &c. Packages, with an Intent that the Contents may be spilled.

the same, or in or in the Way to or from any Warehouse to or from which such Package shall have been removed, shall be removing, or about to be removed, with Intent that the Contents of such Package, or any Part thereof, may be spilled or dropped from such Package, every Person so offending shall for every such Offence be deemed and adjudged guilty of Misdemeanor, and shall suffer as hereinafter mentioned.

Misdemeanor.

Wilfully letting fall Articles into the Thames, or into a Boat, &c. with fraudulent Intention.

XXXIX. And be it further enacted, That if for the Purpose of preventing the Seizure or Discovery of any Materials, Furniture, Stores or Merchandize belonging to or having been Part of the Cargo of any Ship or Vessel lying in the said River or the Docks or Creeks adjacent thereto, or of any other Articles unlawfully obtained from any such Ship or Vessel, any such or any other Article shall be wilfully let fall or thrown into the River, or in any other manner directly or purposely conveyed away or endeavoured to be conveyed away from any Ship, Boat, Barge, Lighter, Craft, Wharf, Quay or other Landing Place, every Person being Party, Privy or Accessary to such Letting fall, Throwing or Conveyance, or to any previous Instructions or premeditated Design so to let fall, throw or convey away any such Article with any such Purpose as aforesaid, shall be deemed and adjudged guilty of a Misdemeanor; and every *Thames* Police Surveyor or Constable or other Peace Officer within his Jurisdiction, shall apprehend and detain every such Person, and forthwith convey him or her before some Justice, and shall also seize and detain any Boat in which such Person shall be found, or out of which any such Article shall be so let fall, thrown, or conveyed away; and upon the Conviction of such Person, such Boat, with her Tackle, Apparel, Furniture and Loading, shall be forfeited and disposed of as is hereinafter directed.

Misdemeanor.

Thames Police Surveyor may apprehend and detain such Person, and the Boat, &c.

For Offences declared Misdemeanors, and for which no Penalty is appointed, Offenders shall forfeit not exceeding 5l. or be imprisoned.

XL. And be it further enacted, That for every Offence herein before declared to be a Misdemeanor, or for which no Special Penalty is hereinbefore appointed, the Offender shall, at the Discretion of the Justice before whom the Conviction shall take place, either forfeit and pay any Sum not exceeding Five Pounds, or suffer Imprisonment for any Time not exceeding Two Months, in any Gaol or House of Correction within the Jurisdiction of such Justice; and in case of the Adjudication of a pecuniary Penalty, and Nonpayment thereof, it shall be lawful for such Justice to commit the Offender to any Gaol or House of Correction for the like Term, unless such Penalty shall be sooner paid; and One Moiety of every such pecuniary Penalty shall be paid to such Receiver as aforesaid for the Purposes of this Act, and the other Moiety thereof, under the Direction of the Justice by whom the same shall have been adjudged, shall either be paid and applied to the Use of the Informer alone, or be distributed between such Persons as shall have contributed to the Conviction of the Offender, in such Shares and Proportions as such Justice shall think fit; and

Articles seized to be advertised if Person convicted.

that when any Articles shall be seized by virtue of this Act, and the Person in whose Possession the same shall have been found shall be convicted of a Misdemeanor as aforesaid, it shall be lawful for the Justice before whom the Conviction shall take place to cause such Articles to be advertised in some public Newspaper, to the End that Persons having a Right thereto may claim and receive the same within Thirty Days from the Date of such Advertise-

ment, in the manner and upon the Conditions directed in and by an Act of the Second Year of His late Majesty's Reign, intituled *An Act to prevent the committing of Thefts and Frauds by Persons navigating Bum Boats and other Boats upon the River* Thames; and if no Person shall prove his Property and Right to the said Articles within the said Thirty Days, the same shall be sold for the best Price that can reasonably be gotten for the same; and after deducting the Charges according to the said recited Act, the Residue of the Produce thereof shall be paid to the said Receiver for the Purposes of this Act.

2 G.3. c.28.

If claim not made, Goods sold.

XLI. And be it further enacted, That in every Case in which Complaint shall be made of any Offence by this Act declared to be a Misdemeanor, or for which any pecuniary Penalty is hereinbefore appointed, with or without Imprisonment, in addition thereto or in lieu thereof, the Matter of such Complaint, if the Offence shall have been committed or the Offender apprehended within the Jurisdiction of the City of *London*, may be heard and determined by the Lord Mayor, Recorder or One of the Aldermen of the said City, and not elsewhere; but if the Offence shall have been committed or the Offender apprehended out of the said Jurisdiction, such Complaint may be heard and determined, either by One of the Justices appointed to the *Thames* Police Office as aforesaid, or by any other Justice within whose Jurisdiction the Offence shall have been committed or the Offender apprehended; and every Conviction thereupon had, shall be certified, filed and entered in such manner as is directed in and by the said Act of the Second Year of His late Majesty's Reign, with respect to Convictions under that Act, and may also be drawn up in such Form and Manner, *mutatis mutandis*, as is appointed in and by the same Act; and neither such Conviction, nor any Proceeding previous thereto, shall be removed by Certiorari or otherwise, into any Court of Record, but such Conviction shall be final and conclusive to all Intents and Purposes whatsoever.

Offences how to be tried.

'XLII. And Whereas the Punishments for Misdemeanors pro-'vided in and by the said Act of the Second Year of His late 'Majesty's Reign, have been found insufficient for the prevent-'ing of such Offences;' Be it enacted, That every Person who shall be guilty of any of the Offences respectively made and declared to be Misdemeanors in and by the said Act, may be punished at the Discretion of the Justice or Justices by or before whom the Offender shall be convicted, either with the Punishment appointed in and by the said Act, or by such other Punishment as is hereby appointed for and in Cases of Offences declared to be Misdemeanors in and by this present Act; and that all the Powers and Provisions of the said last recited Act, respecting the Obstruction of its Execution, and the Commencement and Prosecution of Actions against Justices, and their Officers acting thereunder, shall extend to all Things done, and to all Persons acting under this Act, as fully as if the same Powers and Provisions were herein repeated and re-enacted.

Misdemeanors under 2 G.3. c.28. punished at Discretion of Justice, as herein mentioned.

XLIII. And be it further enacted, That in all Cases in which it is directed by the said last recited Act, that any Boat with her Tackle and Appurtenances, which shall be forfeited, shall be burnt and destroyed, it shall be lawful for any Justice before whom any Person

Forfeited Boats may be burnt, or restored or sold.

Person shall have been convicted of any Offence, whereby any Boat is or should be adjudged to be forfeited under that Act, and also for any Justice by whom any Boat shall be adjudged to be forfeited under this Act, to direct such Boat, with her Tackle and Appurtenances, either to be burnt and destroyed, or to be restored to the Owners thereof, or to be publicly sold, and the Produce of such Sale to be applied in like manner as other Forfeitures under this Act.

'XLIV. And Whereas disputes frequently arise between Bargemen, Lightermen, Watermen, Ballastmen, Coalwhippers, Coalporters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers and other Labourers who work for Hire in or upon the said River and the Docks, Creeks, Wharfs, Quays and Places adjacent, respecting Wages or Money due to them for Work, and the Owners, Masters or Commanders of Vessels and their Agents, and the Owners, Wharfingers or Occupiers of such Wharfs or Quays, and their Agents and other Persons employing such Labourers;' Be it further enacted, That all Differences, Complaints, and Disputes which shall happen and arise between any Bargemen, Lightermen, Watermen, Ballastmen (except Trinity Ballastmen), Coalwhippers, Coalporters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers or other Labourers who work for Hire, in or upon the said River, or the Docks, Creeks, Wharfs, Quays or Places adjacent, and the Owners, Masters or Commanders of Vessels or their Agents on the said River, or the Docks or Creeks thereunto adjoining, or the Owners, Wharfingers or Occupiers of such Wharfs or Quays, or their Agents or other Employers, respecting Wages or Money due to such Labourers for Work, whether the same Persons be employed for any certain Time, or in any other Manner, shall be heard and determined by the Justices appointed to the *Thames* Police Office, or any One of them, or any other Justice within his Jurisdiction; and every such Justice is hereby empowered to summon before him any such Master or Commander of any Vessel, or any such Owner thereof, or his Agent, or the Owner, Wharfinger or Occupier of any Wharf or Quay, or their respective Agents, or any other Employer; and if any such Master, Commander, Owner, Wharfinger, Occupier, Agent or Employer, shall refuse or neglect to attend such Summons, then every such Justice is hereby empowered to issue his Warrant to bring such Person summoned before him, to answer such Complaint, and to examine upon Oath any such Bargemen, Lightermen, Waterman†, Ballastman (other than any Trinity Ballastman), Coalwhipper, Coalporter, Sailor, Lumper, Rigger, Shipwright, Caulker or other Labourer, or any other Witness or Witnesses touching any such Complaint or Dispute, and to make such Order for Payment of so much Wages to such Bargeman†, Lighterman, Waterman, Ballastman (other than any Trinity Ballastman), Coalwhipper, Coalporter, Sailor, Lumper, Rigger, Shipwright, Caulker or other Labourer, as to such Justice shall seem just and reasonable, provided that the Sum ordered do not exceed Five Pounds, beides all reasonable Costs attending the Prosecution of the Complaint, which Costs the Justice is empowered to order; and in case of Refusal to pay, or Nonpayment of any Sum so ordered, by the Space of Twenty four Hours next after such Determination, such Justice may issue forth his Warrant to levy the same, by Dis-

Disputes about Wages for Labour done on the River, &c. (except by Trinity Ballastmen) to be settled by Justices, if not exceeding 5*l*.

Neglecting Summons.

† *Sic.*

† *Sic.*

If Money not Paid.

Distress.

tress and Sale of the Goods and Chattels of the Person ordered to pay the same, together with the Charges of such Distress and Sale; and if no sufficient Distress shall be found, such Justice shall commit the Person ordered to make such Payment to Prison, for any Time not exceeding One Month, unless the Sum so ordered shall be sooner paid, and every such Order shall be final and conclusive, to all Intents and Purposes, and shall not be removable by Certiorari or otherwise, into any Court whatsoever.

Imprisonment.

XLV. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or empower any Justice, except the Lord Mayor, Aldermen and Recorder of the City of *London*, for the time being, or some or One of them, to hear and determine any such Differences, Complaints or Disputes, as shall or may arise for or in respect of any Employment or Work done within the said City of *London*, or the Suburbs and Liberties thereof, or on board of any Ship, Hoy, Barge, Lighter, Boat or other Vessel lying or being on the North Side of the River, between the Tower of *London* and the Western Extremity of the *Temple*, adjoining *Essex Street*, in the County of *Middlesex*.

Proviso for Jurisdiction of London as to Work done on the Thames, &c.

XLVI. Provided always and be it further enacted, That nothing in this Act shall extend to deprive the Lord Mayor and Commonalty and Citizens of the City of *London*, of any Right, Privilege or Jurisdiction heretofore lawfully claimed, exercised or enjoyed within the Town and Borough of *Southwark*, or the Liberties thereof, or to prevent the said Lord Mayor for the time being, or such of the Aldermen of the said City as have borne the Office of Mayoralty, or the Recorder of the said City, for the time being, from acting as Justices of the Peace within the said Town and Borough of *Southwark*, and the Liberties thereof, in such and the like manner as they could or might have done in case this Act had not been made; nor to deprive the Lord Mayor and Commonalty and Citizens of the said City of any Right, Privilege, Immunity or Jurisdiction which they have heretofore lawfully claimed, exercised or enjoyed upon the said River, or the Lord Mayor of the said City for the time being as Conservator of the said River; nor to prevent the said Lord Mayor and the said Aldermen and Recorder of the said City from acting as Justices of the Peace upon the said River, or taking Cognizance of Offences committed upon or within the Limits of the same, in such manner as they might or would have done in case this Act had not been made.

And for Rights of City of London, &c.

And of the Lord Mayor as Conservator, &c.

XLVII. Provided also, and be it further enacted, That nothing in this Act shall extend to deprive the Dean and Chapter of the Collegiate Church of *Saint Peter, Westminster*, or the High Steward or High Bailiff of the City and Liberty of *Westminster*, for the time being, or their respective lawful Deputies, of any Rights, Privileges or Jurisdictions which they have heretofore lawfully claimed, exercised or enjoyed within the said City and Liberty, in such and the like manner as they could or might have done in case this Act had not been made.

And for the Dean and High Steward of Westminster.

XLVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to prejudice or derogate from any of the Rights, Privileges or Authorities of the Master, Warden and Assistants of the Guild, Fraternity or Brotherhood of the Most

And for Trinity House, &c.

Most Glorious and undivided Trinity, and of *Saint Clement*, in the Parish of *Deptford Strond* in the County of *Kent*.

Commencement and Continuance of Act.

XLIX. And be it further enacted, That this Act shall commence and have effect from the Expiration of the said recited Act of the last Session of Parliament, and shall continue and be in force for the Term of Seven Years.

Public Act.

L. And be it further enacted, That this Act shall be deemed, adjudged and taken to be a Public Act and shall be judicially taken Notice of as such by all Judges, Justices and other Persons whomsoever without the same being specially pleaded.

CAP. LVI.

An Act to provide for the more effectual Regulation of certain Offices relating to the Receipt of His Majesty's Exchequer in *Ireland*. [5th *July* 1822.]

57 G.3. c. 84. § 1.

'WHEREAS by an Act made in the Fifty seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Offices of His Majesty's Exchequer in* England *and* Ireland *respectively*, it was among other things enacted, that the several and respective Duties of the several and respective Offices of Auditor and Teller of His Majesty's Exchequer, and Clerk of the Pells in *Ireland*, should from and after and upon the respective Termination of the respective then existing Interests in each of the said Offices respectively, and as each of the said Offices should become vacant upon the Termination of such existing Interests, be regulated under the Provisions of the said Act; and that from time to time, as any of such respective Offices should become vacant, it should be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, to regulate the Duties and Establishments of the Offices so becoming vacant, in such manner as in the said Act is mentioned: And Whereas by an Act made in the said Fifty seventh Year of the Reign of His said late Majesty, intituled *An Act to abolish certain Offices, and to regulate certain other Offices in* Ireland, it was among other things enacted, that the Duties of the Office of Muster Master General should, from and after and upon the Termination of the existing Interest in such Office, be regulated under the Provisions in the said last recited Act contained: And Whereas since the passing of the said recited Acts, the Office of Teller of His Majesty's Exchequer in *Ireland* hath become vacant, and it would be conducive to the Public Interests with respect to Economy and Efficiency, that the Duties and Establishments of all the said Offices should be brought under Revision at one and the same Time without further Delay, and before the same may become vacant by the ceasing of the present existing Interests in all the said Offices of Auditor of the Exchequer, and Clerk of the Pells, and Muster Master General, or any of them respectively, for the Purpose of either new regulating the same, or abolishing such of them as may safely be discontinued:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

57 G.3. c. 62. § 5.

Treasury empowered to regulate certain

assembled, and by the Authority of the same, That at any Time after the passing of this Act, it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, of the United Kingdom of *Great Britain* and *Ireland*, for the time being, or any Three or more of them, and they are hereby authorized and required, to regulate the Duties and Establishments of all the said Offices of Auditor and of Teller of His Majesty's Exchequer, and of Clerk of the Pells, and Muster Master General, in *Ireland*, as if all the said Offices had become and were vacant, any thing in the said recited Acts or either of them to the contrary in any wise notwithstanding; so as that the said Duties shall be performed in Person, by such and such Number of fit and proper Persons as may be sufficient and necessary to perform and execute the Duties to be done, performed and executed in the said Offices, as the said Lord High Treasurer or Commissioners of the Treasury shall deem fit, with such Salaries or Emoluments as shall be ordered and appointed by the said Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, in that Behalf, Regard being had in every such Case to the Nature and Extent of the Duties to be performed, and to the Responsibility which may attach or belong to the several and respective Officers or Persons executing the Duties of the said Offices respectively; and all such Regulations, Appointments and Salaries, when so made and established, shall become and be in full force and effect in relation to the said Offices respectively, as if all the said Offices had become and were vacant, to all Intents and Purposes whatsoever.

Offices as if they were become vacant.

'II. And Whereas by an Act made in the Fifty Sixth Year of 'the Reign of His said late Majesty, intituled *An Act to unite and 'consolidate into One Fund all the Public Revenues of* Great Britain 'and Ireland, *and to provide for the Application thereof to the general Service of the United Kingdom*, it is among other things 'enacted, that it shall be lawful for His Majesty, His Heirs and 'Successors, to appoint a Vice Treasurer for *Ireland*, in manner in 'the said Act mentioned, and by the said recited Act certain 'Duties are required to be done and performed by such Vice 'Treasurer; and it may be expedient towards the complete Regu-'lation of the said Offices of Auditor, Teller and Clerk of the Pells, 'and of the Course of the Business at the Receipt of the Exchequer 'in *Ireland*, that other and further Duties should be performed by 'such Vice Treasurer for the time being;' Be it therefore enacted, That it shall and may be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, and they are hereby authorized and required, to make and establish such Regulations with respect to the Duties and Business of the Office of such Vice Treasurer, as they shall think requisite and necessary towards carrying into effect the complete Regulation of the said Offices of Auditor, Teller and Clerk of the Pells, and for effectually securing, checking and controlling the Issue, Receipt and Payment of Public Money at the Receipt of the said Exchequer, and the Performance of the Duties of the Office of such Vice Treasurer; and all such Regulations so made and established, shall become and be in full force and effect for all Purposes; any thing in any Act or

56 G. 3. c. 98. § 4.

Treasury empowered to regulate Office of Vice Treasurer.

Acts of Parliament, or any Law, Usage or Custom or Practice to the contrary notwithstanding.

Treasury may discharge existing Officers from the Performance of Duties of their Offices, or reduce their Salaries.

III. And be it further enacted, That in case it shall be deemed expedient by the said Lord High Treasurer or the Commissioners of His Majesty's Treasury, in the Execution of this Act, that the Whole or any Part of the Duties of any or either of the said Offices of Auditor or Teller of the said Exchequer, or Clerk of the Pells or Muster Master General, may be dispensed with, and that the Persons holding such Offices may be discharged from the Whole or any Part of the Duty of the said Offices or either of them, or that the Salaries, Fees or Emoluments received by any of the said Officers should be reduced, in consequence of the decreased Duties to be performed by such Officers, it shall and may be lawful for the said Lord High Treasurer or Commissioners of the Treasury, or any Three of them, and they are hereby authorized and empowered, to discharge the said Officers, or any of them, from the Whole or any Part of the Duties of the said Offices respectively, or any of them, and to order that the Amount of the Salaries, Fees or Emoluments receivable by the said Officers, or any of them, should be reduced or regulated accordingly; and it shall and may also be lawful for the said Lord High Treasurer or Commissioners of the Treasury, in any or either of the said cases, to make such just and reasonable Compensation or annual Allowance to such Officers, their Clerks or any of them, as the said Lord High Treasurer, or Commissioners of His Majesty's Treasury, shall in their Judgment think proper; and to direct the Payment of such Compensation out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, arising in *Ireland*, in such Manner and under such Regulations and Restrictions as shall be specified in any Order or Orders of the said Lord High Treasurer or Commissioners of the Treasury, to be made for that Purpose.

Compensation to Officers discharged.

Treasury may direct Account of Paymasters, &c. (Exception) to be audited before Secretary at War, and Accounts of Exchequer Officers, &c. to be audited under

IV. And be it further enacted, That for the more effectually regulating the said several Offices hereinbefore mentioned, and each of them, it shall and may be lawful for the Lord High Treasurer, or for the Commissioners of His Majesty's Treasury, or any Three of them, and they are hereby authorized and empowered, to direct that the Accounts of the ordinary Services of the Army and of the Militia in *Ireland*, shall be examined and audited by the Secretary at War in *Great Britain*, in like manner as the Accounts of the ordinary Services of the Army and of the Militia in *Great Britain* are now or may hereafter be examined and audited; and that the Accounts of the several Officers who shall hold or exercise the said Offices of the Vice Treasurer of *Ireland*, of Auditor General, Clerk of the Pells, Teller of the Exchequer or Muster Master General, and all Army, Barrack, Commissariat or other Military Accounts whatever in *Ireland*, (except those of Army Agents and Paymasters), shall be audited and examined in such manner, and by such Persons, as Accounts of the like Nature in *Great Britain* are audited and exmined; and all such Accounts shall be respectively submitted by all such Officers and Persons, and such Officers and Persons shall be held and deemed to be Public Accountants in *Great Britain*, and shall be liable to account to and before the Secretary at War in *Great Britain*, according to the Directions of this Act, or to and before Commissioners for auditing the Public Ac-

counts of the Kingdom, as the case may require, under the Provisions of an Act made in the Forty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making more effectual Provision for the more speedy and regular Examination and Audit of the Public Accounts of this Kingdom*, or of an Act made in the Forty eighth Year of His said late Majesty's Reign, intituled *An Act for the accelerating the Making up, Examination and Audit of the Accounts of the Paymaster General of His Majesty's Forces*, or of any Law or Laws, or Act or Acts, relating to any such Accounts respectively, in *Great Britain*; and such Accounts, or any of them, shall not in such case be examined, controlled, audited or settled by any of the Commissioners under Two Acts made in the Fifty second Year of His late Majesty's Reign, the one intituled *An Act to provide for the more speedy Examination, Controlling and finally Auditing the Military Accounts of* Ireland, and the other intituled *An Act to provide for the speedy and regular Examination and Audit of the Public Accounts of* Ireland, *and to Repeal certain former Acts relating thereto*; the said Two last recited Acts, or either of them, or any thing contained in the said recited Acts, or either of them, to the contrary in any wise notwithstanding.

Statutes 46 G.3. c.141.

48 G.3. c.49.

Notwithstanding 52 G.3. cc. 51, 52. as to auditing Civil or Military Accounts in Ireland.

'V. And Whereas, in the Execution of the Purposes of this Act, 'the Duties of the said Commissioners of Military Accounts of 'Ireland may be considerably decreased, and may ultimately be- 'come wholly unnecessary;' Be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury, or any Three of them, and they are hereby authorised and empowered, to discharge the said Commissioners of Military Accounts, their Officers or any of them, from the Whole or any Part of the Duties heretofore performed by them, or required to be performed by them under the said hereinbefore first recited Act of the Fifty second Year of His late Majesty's Reign, or otherwise howsoever, and to order that the Amount of the Salaries of the said Commissioners, their Officers, or any of them, shall be from time to time reduced, or shall be wholly discontinued; and in such case it shall be lawful for the said Lord High Treasurer, or Commissioners of the Treasury, or any Three of them, to make such just and reasonable Compensation or Annual Allowance to such Commissioners of Military Accounts, their Officers, Clerks or any of them, as the said Lord High Treasurer or Commissioners of the Treasury shall in their Judgment think proper to be paid out of the Consolidated Fund, in like manner as any other Compensations or Allowances which may be made under the Authority of this Act.

Duties and Salaries of Commissioners of Military Accounts may be reduced or discontinued.

VI. And be it further enacted, that the said Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, for the time being, shall, within Six Weeks after the Regulation, under the Provisions of this Act, of any such Offices as aforesaid, if Parliament shall be then sitting, or if Parliament shall not be then sitting, then within Six Weeks after the Commencement of the next Session of Parliament, lay before both Houses of Parliament a Return of such new Establishment of the Office so regulated, stating the Number of Officers, and Amount of Salaries of each respectively, and also the Offices discontinued, and the Amount of Compensation (if any) granted to any Officer holding any Office under such former Establishment.

Treasury to lay before Parliament comparative Statement of former and new Establishments;

and Amount of Compensation.

CAP. LVII.

An Act for transferring such of the Duties of the Commissioners or Governors of *Kilmainham* Hospital, as relate to the Management and Payment of Out Pensions, to the Commissioners of *Chelsea* Hospital. [5th *July* 1822.]

47 G. 3. sess. 2. c. 5.

'WHEREAS an Act passed in the Forty seventh Year of the Reign of His late Majesty King *George* the Third, intituled '*An Act for empowering the Commissioners of* Kilmainham *Hospital* '*to make Rules and Regulations for the Payment of Pensions to* '*Soldiers on the Establishment of that Hospital*: And Whereas it 'is expedient that in future the Out Pensioners of *Kilmainham* Hos'pital should be placed under the Control and paid under the Direc'tions of the Commissioners of *Chelsea* Hospital:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said hereinbefore recited Act as relates to the Out Pensioners of *Kilmainham* Hospital shall be and the same is hereby repealed.

As to Out Pensioners repealed.

Out Pensions heretofore made by Kilmainham Hospital, made by Chelsea Hospital.

II. And be it further enacted, That from and after the Twenty fourth Day of *December* One thousand eight hundred and twenty two, all Out Pensions granted or to be granted to disabled, invalid or discharged Soldiers or other Persons, which have heretofore been made by the Commissioners or Governors of *Kilmainham* Hospital, and which have been under the Power, Management, Control or Direction of the said Commissioners, shall be made by and shall be under the Power, Management, Control and Direction of the Commissioners of *Chelsea* Hospital.

Chelsea Hospital to make Rules relative to Out Pensions.

III. And be it further enacted, That it shall and may be lawful for the said Commissioners of *Chelsea* Hospital, or any Three or more of them for the time being, to make Orders, Rules and Regulations, and from time to time to alter the same, in relation to the Payment of any Out Pensions which were heretofore received from *Kilmainham* Hospital or under the Management of the Commissioners of *Kilmainham* Hospital, and also to require such Certificates, Proofs, Affidavits, Vouchers or Receipts for the better regulating, managing and making such Payments, as to the said Commissioners shall seem expedient.

Kilmainham Hospital Monthly to examine claims of Out Pensions;

'IV. And Whereas it is expedient that Facility should be given 'to Soldiers discharged in *Ireland*, and entitled to Pensions for 'their Services in His Majesty's Army, to enable them to establish 'their Claim for such Pensions;' Be it enacted, That the Commissioners or Governors of *Kilmainham* Hospital, or any Three or more of them, shall once at the least in every Month, upon some Day to be publicly notified, meet at the said Hospital, for the Purpose of examining the Claims of Persons who may suppose themselves entitled to Out Pensions on account of Service in any Branch of His Majesty's Army, or on account of any Disability acquired in such Service, and shall take down the Name and Description, Place of Abode, Length and Particulars of Service, and Cause of Discharge, and Nature of Hurt and Disability, if any, of every Person so applying; and shall, as soon as possible after such Examination,

amination, transmit a Certificate of the Particulars so taken, and of the Rate of Pension which the said Governors may think it proper to recommend for each Pensioner, to the Commissioners of *Chelsea* Hospital, which said Certificate shall be in such Form as the Commissioners for *Chelsea* Hospital shall from time to time direct; and the Commissioners of *Chelsea* Hospital shall, upon the Receipt of such Certificate, or as soon after as conveniently may be, determine what Amount of Pension each Person named therein is entitled to by virtue of his Services in any Branch of His Majesty's Army, or in respect of any Disability, and in conformity with any existing Order in Council, or Rules and Regulations made by His Majesty for fixing the pensions and Allowances to which Non Commissioned Officers and Soldiers are to become entitled on their Discharge, by reason of the Expiration of certain Periods of Service, or as invalid, disabled or wounded; and the said Commissioners of *Chelsea* Hospital shall direct the Agent for the Out Pensioners of the said Royal Hospital to pay the said Pensions accordingly; which said Pensions are to be paid and remitted to the Persons entitled thereto, in like manner as the *Chelsea* Hospital Out Pensioners are now paid.

and transmit Certificate to Chelsea Hospital.

Chelsea Hospital thereupon to determine Amount of Pensions.

Such Pensions paid as Chelsea Out Pensions.

V. And be it further enacted, That every Pensioner resident in *Great Britain*, who shall be entitled to receive Payment of his Pension by Remittance or Order, shall, as often as he shall change his Place of Abode, give Notice thereof to the said Commissioners of the said Royal Hospital at *Chelsea*; and every Pensioner resident in *Ireland*, who shall be so entitled, shall, as often as he shall change his Place of Abode, give Notice thereof either to the Agent of the Royal Hospital at *Chelsea* resident in *Dublin*, or to the Commissioners of the said Royal Hospital at *Chelsea*; and in case, for Want of any such Notice, any loss shall happen by reason of any Remittance or Order being sent for any Pension to the Place from which such Pensioner shall have removed without giving such Notice, such Loss shall fall upon and be borne and sustained by such Pensioner so making Default in this Behalf.

Pensioners changing Abode to notify to Chelsea Hospital.

Otherwise Loss sustained by Pensioner.

VI. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for the Comptroller of the Royal Hospital at *Chelsea*, and the Chief and First and Second Clerk respectively in the Office of the Secretary of the said Royal Hospital for the time being, and they are hereby authorized and required, as often as Occasion shall be, to administer to all and every Person titled or claiming to be entitled to any Out Pension or Allowance of Money either from *Chelsea* or *Kilmainham* Hospital, or to any Allowance on account of Service in His Majesty's Army, all and every Oath and Oaths required or directed to be taken by any Law or Laws which now is or are or shall be in force at the Time such Oath is required or directed as aforesaid; and also to administer any other Oath or Oaths to any such Person or Persons as aforesaid, as shall be deemed necessary for the Purpose of proving the Identity of such Person or Persons, or for the Purpose of ascertaining or proving his or their Service, or Particulars of Service, in His Majesty's Army, or of any other Service for which any Out Pension or Allowance shall be claimed or granted.

Comptroller of Chelsea Hospital and Chief and First and Second Clerk in Secretary's Office empowered to administer Oaths.

Perjury.

VII. And be it further enacted, That any Person or Persons who shall take any false Oath as to the Particulars aforesaid, or any of them, before the said Comptroller of *Chelsea* Hospital, or before the First or Second Clerk of the Secretary of the said Royal Hospital, shall be deemed guilty of wilful and corrupt Perjury; and shall suffer such Punishment as by Law may be adjudged to Persons guilty of Perjury.

Out Pensioners subject to Laws relating to Assignments to Overseers of the Poor. 59 G. 3. c. 12.

VIII. And be it further enacted, That all and every the Out Pensioners heretofore belonging to *Kilmainham* Hospital, shall be subject to the same Laws and Regulations with respect to Assignments of their Pensions, or the Orders of Justices for the Payment of the same, to the Overseers of the Poor of any Parish, by whom Relief may be legally granted to indigent Persons entitled to such Pensions or their Families, as the Out Pensioners of *Chelsea* Hospital are now subject to by virtue of an Act passed in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*.

Kilmainham may receive In Pensioners.

IX. And be it further enacted, That from and after the passing of this Act, the Governors of *Kilmainham* Hospital shall have the Power to receive as In Pensioners any of the Out Pensioners residing in *Ireland*.

Out Pensioners admitted In Pensioners, Notice to Chelsea Hospital.

X. And be it further enacted, That when and as often as any Out Pensioner shall be admitted as an In Pensioner of the said Hospital at *Kilmainham*, immediate Notice thereof, with all the Particulars relating to the same, shall within Fourteen Days of such Admission be transmitted by the said Commissioners of *Kilmainham* Hospital to the said Commissioners of *Chelsea* Hospital, in order that the Pensioner or Pensioners so admitted may be struck off the Out Pension List of the said Royal Hospital.

Kilmainham Hospital to transmit to Chelsea Hospital all Books and Writings herein mentioned.

XI. And be it further enacted, That immediately after the passing of this Act, it shall and may be lawful for the said Commissioners of the Royal Hospital for Soldiers at *Chelsea*, by Writing under the Hand of any Three or more of them, to call for, and the Commissioners or Governors of *Kilmainham* Hospital are hereby directed, within Ten Days after Notice to that Effect shall be to them given, to furnish and transmit or deliver to the said Commissioners of *Chelsea* Hospital, or to such Person or Persons as they shall authorize to receive the same, all such Books, Papers, Lists, Documents or other Writings in the Possession or under the Control of the said Commissioners of *Kilmainham* Hospital, as shall relate to the Persons at any Time heretofore admitted or appointed Out Pensioners of the said Hospital at *Kilmainham*; together with the Registry of Service of the said Pensioners, and the Discharges of all such Soldiers as have been admitted Pensioners of the said Hospital at *Kilmainham*; and all Papers whatsoever relating to Persons who shall have been registered, with a View to Pensions being granted to them prospectively; and all such other Papers relating to Out Pensions in the Custody of the said Commissioners of *Kilmainham* Hospital, as to the Commissioners of *Chelsea* Hospital shall seem necessary.

CAP.

CAP. LVIII.

An Act for enabling the Commissioners of His Majesty's Woods, Forests and Land Revenues to effect Improvements in the Neighbourhood of *Parliament Street* and *Privy Garden*, within the Liberty of *Westminster*. [5th *July* 1822.]

'WHEREAS certain Alterations and Improvements are in 'contemplation, and are now carrying on on certain Lands 'and Grounds, Part of the Land Revenues of the Crown, in the 'Neighbourhood of *Parliament Street* and *Privy Garden*, in the 'City of *Westminster* and County of *Middlesex*, under the Super-'intendence of the Commissioners of His Majesty's Woods, Forests 'and Land Revenues, by which, when completed, the Estate and 'Property of His Majesty in and about *Privy Garden*, under the 'Management and Superintendence of the said Commissioners, 'will be considerably augmented and benefited: And Whereas, for 'the Purpose of carrying into effect, and completing the said Al-'terations and Improvements, it is necessary that the said Com-'missioners should have Possession of a certain Freehold Mes-'suage or Dwelling House, with the Appurtenances situate in *Par-'liament Street*, in the City of *Westminster*, now in the Occupation 'of *Robert Hart*, Pastry Cook, and it is expedient that Power and 'Authority should be given to the said Commissioners to purchase 'for and on Behalf of His Majesty, and to all Persons interested 'therein to sell and dispose of the said Messuage, Hereditaments 'and Premises, with the Appurtenances; but the Aid and Autho-'rity of Parliament is necessary for those Purposes:' May it therefore please Your Majesty that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the said Commissioners of His Majesty's Woods, Forests and Land Revenues, for and on Behalf of His Majesty, to treat, contract and agree with the Owners of and Persons interested in the said Messuage, Hereditaments and Premises, with the Appurtenances hereinbefore mentioned, for the Purchase thereof, or for the Loss or Damage such Owners and Persons interested therein shall or may any ways sustain by the carrying and completing the Improvements aforesaid; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians or other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of any Infant, Feme Covert, Cestuique Trust, Tenants for Life or in Tail, and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in the said Messuage, Hereditaments and Premises, with the Appurtenances, or in any Part thereof, to contract and agree with the said Commissioners of His Majesty's Woods, Forests and Land Revenues for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them the said Messuage, Hereditaments and Premises, with the appurtenances, as the said Commissioners shall require; and all

Commissioners empowered to contract for the Purchase of Premises herein mentioned.

Bodies Politic, &c. empowered to sell.

Contracts and Sales so made shall, without any Fine or Fines, Common Recovery or Common Recoveries, or any other Conveyance or Assurance, be valid and effectual in the Law to all Intents and Purposes whatsoever; any Law, Statute or Usage, or any other Matter or Thing whatsoever, to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Feoffees in Trust, Executors, Administrators, Guardians and Trustees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Purchase Money raised under 57 G.3. c.97. paid into the Bank, or to Parties interested.

II. And be it further enacted, That every Sum of Money or Recompence to be agreed for as aforesaid, shall be paid by the said Commissioners of His Majesty's Woods, Forests and Land Revenues, out of the Money raised or to be raised for the Payment of the Purchase Monies of Estates to be purchased on Behalf of His Majesty, under the Authority of an Act made and passed in the Fifty seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable* Henry Hall *Viscount* Gage, *and the Commissioners of His Majesty's Woods, Forests and Land Revenues; and for the better Management and Improvement of the Land Revenues of the Crown*, either into the Bank of *England* or to the Parties or their Agents, as the case may require, as hereinafter is mentioned; and upon Payment or Tender thereof to the Party or Parties entitled to receive the same, or their Agent, or on depositing the same in the Bank of *England* in manner by this Act directed, and after Ten Days' Notice thereof given to such Parties or Persons, or their Agents, it shall and may be lawful for the said Commissioners of His Majesty's Woods, Forests and Land Revenues to take Possession of the said Messuage, Hereditaments and Premises, and to make use of the same in such manner as they shall think fit in carrying on and completing the said intended Improvements; and from thenceforth the Inheritance in Fee Simple, free from Incumbrances of and in the said Messuage, Hereditaments and Premises, with the Appurtenances, or of and in so much or such Parts thereof as the said Commissioners shall contract and agree to purchase, shall be and become, and the same is and are hereby absolutely vested in the King's Majesty, His Heirs and Successors, for ever, freed and discharged, and absolutely acquitted and exonerated of and from all Trusts, Powers and Incumbrances whatsoever, and shall become Part of the Land Revenues of the Crown within the Ordering and Survey of the Exchequer in *England*, and shall be settled and administered to the same Uses and in the same Manner as such Land Revenues now are or hereafter may be settled or administered.

On such Payment Commissioners may take Possession of Premises, which shall vest in His Majesty, and become part of the Land Revenues.

Application of Purchase Money belonging to Corporations or incapacitated Persons, where the same shall amount to or exceed 200l.

III. And be it further enacted, That if any Money shall be agreed to be paid for the said Messuage, Hereditaments and Premises, with the Appurtenances or any Part thereof, purchased, taken or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Lunatic, Tenants for Life or in Tail, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name

Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners of His Majesty's Woods, Forests and Land Revenues, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuage, Hereditaments and Premises, with the Appurtenances, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Messuage, Hereditaments, and Premises, or affecting other Lands, Tenements or Hereditaments standing settled therewith, to the same or the like Uses, Intents and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same manner as the Messuage, Hereditaments and Premises, with the Appurtenances, which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from time to time be paid, by Order of the said Court, to the Person or Persons who would for the time being have been entitled to the Rents and profits of the Messuage, Hereditaments and Premises, with the Appurtenances, so hereby directed to be purchased, in case such Purchase or Settlement had been made.

How to be applied where less than 200*l.* or amount to 20*l.*

IV. Provided always and be it further enacted, That if the Money so agreed to be paid for the said Messuage, Hereditaments and Premises, with the Appurtenances or any Part thereof, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, or shall amount to or exceed the Sum of Twenty Pounds, then and in all such cases the same shall, at the Option of the Person or Persons for the time being entitled to the Rents and Profits of the Messuage, Hereditaments and Premises, with the Appurtenances, or of any Part thereof, so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid,

said, in order to be applied in manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved by the said Commissioners of His Majesty's Woods, Forests and Land Revenues, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in manner hereinbefore directed, so far as the case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Purchase Money shall be less than 20l.

V. Provided always and be it further enacted, That where such Money so agreed to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such cases the same shall be applied to the Use of the Person or Persons who would for the time being have been entitled to the Rents and Profits of the Messuage, Hereditaments and Premises, with the Appurtenances or the Part thereof so purchased, taken or used as aforesaid, in such manner as the said Commissioners of His Majesty's Woods, Forests and Land Revenues shall think fit; or in case of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In default of Title, or refusing to execute Conveyance of the Premises, how Money to be invested.

VI. And be it further enacted, That in case the Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or shall refuse to execute such Conveyance or Conveyances, then and in every such case it shall be lawful for the said Commissioners of His Majesty's Woods, Forests and Land Revenues to order the said Sum or Sums of Money so agreed for to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the said Parties interested in the said Messuage, Hereditaments and Premises, with the Appurtenances (describing them), subject to the Order, Control and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order the Distribution thereof according to the respective Estate or Estates, Title or Interests of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Motion or Petition in Chancery.

Persons in Possession deemed

VII. Provided always and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to

to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act for the Purchase of the said Messuage, Hereditaments and Premises, with the Appurtenances or any Part thereof, or of any Estate, Right or Interest in the same, or in any Part thereof to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Messuage, Hereditaments and Premises, with the Appurtenances at the Time of such Purchase, and all Persons claiming under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuage, Hereditaments and Premises according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Messuage, Hereditaments and Premises, with the Appurtenances or some Estate or Interest therein.

lawfully entitled to Premises till contrary shewn to satisfaction of Court of Chancery.

VIII. Provided also and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to the said Messuage, Hereditaments and Premises, or any Part thereof, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and be applied in the Purchase of other Lands, Tenements or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from time to time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners of His Majesty's Woods, Forests and Land Revenues, who shall from time to time pay such Sums of Money for such Purposes as the said Court shall direct.

Purchase Money belonging to Corporation or incapacitated Persons applied in Purchase of other Premises.

'IX. And Whereas, in order to carry on and complete the said 'Improvements before mentioned, it is intended to erect several 'commodious Houses and Buildings on the Site of the said Mes-'suage, Hereditaments and Premises hereby authorized to be 'purchased and adjoining thereto, and it will be a Convenience to 'the Persons occupying such intended new Houses and Buildings, 'and an Advantage to that Part of the Estate of the Crown, if 'Gateways were made from the said intended Houses and Build-'ings into *Parliament Street* or *Privy Gardens*, so as to afford 'Access from the said Street or Gardens to the said intended 'Houses and Buildings, or to the Stables, Outhouses or Offices 'attached thereto;' Be it therefore enacted, That it shall and may be lawful for the Commissioners of His Majesty's Woods, Forests and Land Revenues, on His Majesty's Behalf, to license and empower either the Builders employed or contracted with by them the said Commissioners, for erecting such intended new Houses and Buildings, or any Person to whom the said Commissioners shall let any Part of the Site of the said Messuage, Hereditaments

Commissioners may empower Builders to make Gateways and open Passages into Parliament Street and Privy Gardens.

ments and Premises hereby authorized to be purchased, or any Land adjoining thereto, for the Purpose of building, or to open or make such Gateway or Gateways, or Passage or Passages, as to the said Commissioners of His Majesty's Woods, Forests and Land Revenues shall seem necessary and proper, from the said intended Houses and Buildings or any of them, into *Parliament Street* or *Privy Gardens*, so as to afford Access for Horses and Carriages to the said intended Houses and Buildings or any of them, or to the Stables, Outhouses or Offices thereto belonging, so as the said Commissioners or the Person or Persons to whom such Licences shall be granted, shall bear the first Expence of paving the Entrance into such Gateways or Passages in a proper manner, and such Licences shall be and are hereby declared to be good and sufficient Authority for the making such Gateways or Passages, taking up, removing and altering the Pavement in Front thereof in *Parliament Street* and *Privy Gardens*, and doing all Things requisite thereto, and for the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or the Owners or Occupiers of the said intended Houses and Buildings, to keep and use such Gateways or Passages at all Times thereafter, without any other Licence or Authority whatever; any thing in any existing Act or Acts of Parliament, or any Law or Usage to the contrary in any wise notwithstanding.

Proviso for Rights of Committee of Pavements.

X. Saving always to the Committee or other Persons who for the time being shall have the Control of the Pavements of *Parliament Street* and *Privy Gardens*, all such Powers and Authorities relative to the paving and repairing the said Gateways and Passages, and preventing Nuisances and Obstructions therein, as they might have had in case this Act had not been passed.

CAP. LIX.

An Act to continue, until the Fifth Day of *July* One thousand eight hundred and twenty four, the Low Duties on Coals and Culm carried Coastwise to any Port within the Principality of *Wales*. [5th *July* 1822.]

59 G.3. c.52. § 13.

'WHEREAS by an Act passed in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the several Duties of Customs chargeable in* Great Britain, *and for granting other Duties in lieu thereof*, certain Duties were thereby imposed upon Coals and Culm brought or carried Coastwise to any Port or Place within the Principality of *Wales*, and specified in Table (D.) to the said Act annexed: And Whereas the said Duties were, by an Act passed in the First Year of the Reign of His present Majesty, continued until the First Day of *August* One thousand eight hundred and twenty two: And Whereas it is expedient that the said Duties should be further continued;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties on Coals and Culm brought or carried Coastwise to any Port or Place within the Principality of *Wales*, which

Tab. (D.) continued by 1.G4. c.67.

Duties on Coals, &c. continued.

which were directed by the said Act to be payable by the said recited Act, shall continue to be paid and payable until the Fifth Day of *July* One thousand eight hundred and twenty four.

CAP. LX.

An Act to amend the Laws relating to the Importation of Corn. [15th *July* 1822.]

'WHEREAS an Act was passed in the Fifty fifth Year of the Reign of his late Majesty King *George* the Third, intituled *An Act to amend the Laws now in force for regulating the Importation of Corn*: And Whereas it is expedient to alter and amend the said Act;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That as soon as Foreign Wheat shall have been admitted for Home Consumption under the Provisions of the said Act, the Scale of Prices at which the Home Consumption of Foreign Corn, Meal or Flour is permitted by the said Act, shall cease and determine. 55 G.3. c.26. In what case Scale of Prices in recited Act to cease.

II. And be it further enacted, That †thereafter Foreign Corn, Meal or Flour shall and may be permitted to be imported into the United Kingdom, and into the *Isle of Man*, for Home Consumption, under and subject to the Provisions and Regulations now in force, whenever the Average Prices of the several Sorts of *British* Corn, made up and published in the manner now by Law required for regulating the Importation of Foreign Corn, Meal or Flour for Home Consumption, shall respectively be at or above the Prices hereinafter mentioned; that is to say, whenever Wheat shall be at or above the Price of Seventy Shillings *per* Quarter; whenever Rye, Pease or Beans shall be at or above the Price of Forty six Shillings *per* Quarter; whenever Barley, Bear or Bigg shall be at or above the Price of Thirty five Shillings *per* Quarter; whenever Oats shall be at or above the Price of Twenty five Shillings *per* Quarter. † *Sic.* In what case Foreign Corn, &c. may be imported.

III. And be it further enacted, That whenever Foreign Corn, Meal or Flour shall be admissible under the Provisions of the above recited Act or of this Act, there shall be levied and paid, upon all such Foreign Corn, Meal or Flour, when admitted for Home Consumption, whether such Corn, Meal or Flour shall have been imported and warehoused previous to its becoming so admissible for Home Consumption or otherwise, the several Duties specified and set forth in the Schedule marked (A.) annexed to this Act. In what case Duties in Schedule (A.) paid.

IV. And be it further enacted, That as soon as the Scale of Prices at which the Home Consumption of Foreign Corn, Meal or Flour is permitted by the above recited Act, shall cease and determine according to the Provisions of this Act, then the Scale of Prices at which Corn, Meal or Flour, being the Growth, Produce or Manufacture of any *British* Colony or Plantation in *North America*, is now by Law admissible for Home Consumption, under the Provisions of the said Act, shall also cease and determine. In what case Scale of Prices of British North American Corn, &c. to cease.

V. And

In what case British North American Corn, &c. may be imported.

V. And be it further enacted, That thereafter Corn, Meal or Flour, of the Growth, Produce or Manufacture of any *British* Colony or Plantation in *North America*, shall and may be permitted to be imported into the said United Kingdom, and into the *Isle of Man*, for Home Consumption, under and subject to the Provisions and Regulations now in force, whenever the Average Prices of the several Sorts of *British* Corn, made up and published in the manner now by Law required for regulating the Importation of Foreign Corn, Meal or Flour for Home Consumption, shall respectively be at or above the Prices hereinafter mentioned; that is to say, whenever the Price of Wheat shall be at or above the Price of Fifty nine Shillings *per* Quarter; whenever the Price of Rye, Pease and Beans, shall be at or above Thirty nine Shillings *per* Quarter; whenever the Price of Barley, Bear or Bigg, shall be at or above Thirty Shillings *per* Quarter; whenever the Price of Oats shall be at or above Twenty Shillings *per* Quarter.

In what case British American Corn not to be imported.

VI. Provided always, and be it further enacted, That whenever the Prices of *British* Corn respectively shall be below the Prices herein specified, Corn or Meal or Flour made from any of the respective Sorts of Corn herein enumerated, the Growth, Produce or Manufacture of any *British* Colony or Plantation in *North America*, shall no longer be allowed to be imported into the United Kingdom for Home Consumption.

Duties specified in Schedule (B.) payable on British American Corn for Home Consumption.

VII. And be it further enacted, That whenever Corn, Meal or Flour, of the Growth, Produce or Manufacture of any *British* Colony or Plantation in *North America*, shall be admissible for Home Consumption, under the Provisions of the above recited Act or of this Act, there shall be levied and paid upon all such Corn, Meal or Flour, when admitted for Home Consumption, whether such Corn, Meal or Flour shall have been imported and warehoused previous to its becoming so admissible for Home Consumption or otherwise, the several Duties specified and set forth in the Schedule marked (B.) annexed to this Act.

In what case Warehoused Foreign Corn, &c. may be taken out for Home Consumption.

VIII. And be it further enacted, That from and after the passing of this Act, any Foreign Corn, Meal or Flour that may have been in Warehouse on the Thirteenth Day of *May* One thousand eight hundred and twenty two, and may continue in Warehouse at the passing of this Act, may respectively be taken out of Warehouse for Home Consumption, whenever the Average Prices of *British* Corn, made up and published in the manner and at the time or times now by Law required for regulating the Importation of Foreign Corn, Meal or Flour for Home Consumption, shall be as follows; (that is to say) whenever Wheat shall be at or above the Price of Seventy Shillings *per* Quarter; whenever Rye, Pease or Beans shall be at or above the Price of Forty six Shillings *per* Quarter; whenever Barley, Bear or Bigg shall be at or above the Price of Thirty five Shillings *per* Quarter; whenever Oats shall be at or above the Price of Twenty five Shillings *per* Quarter; any thing in the above recited Act or in this Act to the contrary notwithstanding.

Duties in Schedule (A.) payable on warehoused Fo-

IX. Provided always, and be it further enacted, That no such Foreign Corn, Meal or Flour now in Warehouse, shall be taken out of Warehouse under the Provisions aforesaid, unless there be previously

previously levied and paid, upon the said Corn, Meal or Flour, the several Duties specified and set forth in the Schedule marked (A.) annexed to this Act: Provided always, that nothing in this Act contained shall extend or be construed to extend to charge any Duty upon any such Foreign Corn, Meal or Flour, being in Warehouse on the Thirteenth Day of *May* One thousand eight hundred and twenty two, which shall be taken out of Warehouse for Home Consumption, after Foreign Corn shall be admissible for Home Consumption, under the Provisions of the said recited Act of the Fifty fifth Year of the Reign of His late Majesty.

reign Corn, &c. before taken out for Home Consumption. Proviso.

X. And be it further enacted, That from and after the passing of this Act, any Corn, Meal or Flour, of the Growth, Produce or Manufacture of any *British* Colony or Plantation in *North America*, that may have been in Warehouse on the Thirteenth Day of *May* One thousand eight hundred and twenty two, and may continue in Warehouse at the passing of this Act, may respectively be taken out of Warehouse for Home Consumption, whenever the Average Prices of *British* Corn, made up and published in the manner and at the Time or Times now by Law required for regulating the Importation of Foreign Corn, Meal or Flour for Home Consumption, shall be as follows; (that is to say), whenever the Price of Wheat shall be at or above the Price of Fifty nine Shillings *per* Quarter; whenever the Price of Rye, Pease and Beans, shall be at or above Thirty nine Shillings *per* Quarter; whenever the Price of Barley, Bear or Bigg, shall be at or above Thirty Shillings *per* Quarter; whenever the Price of Oats shall be at or above Twenty Shillings *per* Quarter; any thing in the above recited Act or in this Act to the contrary notwithstanding.

In what case Warehoused British American Corn may be taken out for Home Consumption.

XI. Provided always, and be it further enacted, That no such Corn, Meal or Flour of the Growth, Produce or Manufacture of any *British* Colony or Plantation in *North America*, now in Warehouse, shall be taken out of Warehouse under the Provisions aforesaid, unless there be previously levied and paid, upon the said Corn, Meal or Flour, the several Duties specified and set forth in the Schedule marked (B.) annexed to this Act: Provided always, that nothing in this Act contained shall extend or be construed to extend to charge any Duty upon any such Corn, Meal or Flour, the Growth, Produce or Manufacture of any *British* Colony or Plantation in *North America*, being in Warehouse on the Thirteenth Day of *May* One thousand eight hundred and twenty two which shall be taken out of Warehouse for Home Consumption after such Corn, Meal or Flour shall be admissible for Home Consumption under the Provisions of the above recited Act of the Fifty fifth Year of the Reign of His late Majesty.

Duties specified in Schedule (B.) payable on warehoused British American Corn before taken out of Warehouse. Proviso.

'XII. And Whereas by an Act passed in the First and Second 'Year of the Reign of His present Majesty, intituled *An Act* '*to repeal certain Acts passed in the Thirty first, Thirty third,* '*Forty fourth, and Forty fifth Years of His late Majesty King* 'George *the Third, for regulating the Importation and Export-* 'ation *of Corn, Grain, Meal and Flour into and from* Great Britain '*and to make further Provisions in lieu thereof;* it was enacted, 'that whenever the Ports of the United Kingdom shall be shut 'against the Importation of ForeignCorn, Meal or Flour for Home Consumption,

1 & 2 G.4. c.87. § 27. so far as relates to Guernsey, &c.

'Consumption, the Ports of the Islands of *Guernsey*, *Jersey*, '*Alderney* and *Sark*, shall be in like manner shut against the 'Importation of such Foreign Corn, Meal or Flour for Home 'Consumption; and that whenever any such Foreign Corn, 'Meal or Flour shall be permitted to be imported into the Ports 'of the United Kingdom for Home Consumption, Foreign Corn, 'Meal or Flour may in like manner be imported into the Ports of 'the Islands of *Guernsey*, *Jersey*, *Alderney* and *Sark*: And 'Whereas it is expedient that so much of the said Act as relates 'to the said Islands of *Guernsey*, *Jersey*, *Alderney* and *Sark*, 'should be repealed;' Be it therefore enacted, That so much of the said Act as relates to the said Islands of *Guernsey*, *Jersey*, *Alderney* and *Sark*, be and is hereby repealed.

Repealed.

In what case Ports shut against Corn from Guernsey, &c.

XIII. Provided always, and be it further enacted, That from and after the passing of this Act, whenever the Ports of the United Kingdom shall be shut against the Importation of Foreign Corn, Meal or Flour for Home Consumption, the said Ports shall be also shut against the Importation of Corn, Meal or Flour, the Growth, Produce or Manufacture of the said Islands of *Guernsey*, *Jersey*, *Alderney* and *Sark*.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

When imported from any Foreign Country.	Wheat.	Rye, Pease, and Beans.	Barley, Bear or Bigg.	Oats.
If under, per quarter -	80s. - -	53s. - -	40s. - -	28s.
High Duty - - -	- - 12s.	- - 8s.	- - 6s.	- - - - 4s.
Additional, for First Three Months -	- - 5s.	- 3s. 6d.	- 2s. 6d.	- - - - 2s.
If at or above, per Quarter	80s. - -	53s. - -	40s. - -	28s.
But under, - do.	85s. - -	56s. - -	42s. 6d. -	30s.
First Low Duty - -	- - 5s.	- 3s. 6d.	- 2s. 6d.	- - - - 2s.
Additional, for First Three Months -	- - 5s.	- 3s. 6d.	- 2s. 6d.	- - - - 2s.
If at or above, per Quarter	85s. - -	55s. - -	42s. 6d. -	30s.
Second Low Duty - -	- - 1s.	- - 8d.	- - 6d.	- - - 4d.
	Duty upon Wheat Meal and Flour, to be as follows:	——	——	Duty upon Oatmeal, to be as follows:
First High Duty, per Cwt. when Wheat is under 80s. per Quar.	- 9s. 3d.	- -	- -	High Duty per Boll, when Oats are under 28s. per Quar. 4s. 10d.
Additional, for First Three Months -	- 1s. 7d.	- -	- -	Additional, for First Three Months - 2s. 2d.
First Low Duty when Wheat is at or above 80s. per Quarter, but under 85s. per Quar.	- 1s. 7d.	- -	- -	First Low Duty, when Oats are at or above 28s. per Quar. but under 30s. per Quar. - - 2s. 2d.
Additional, for First Three Months -	- 1s. 7d.	- -	- -	Additional, for First Three Months - 2s. 2d.
Second Low Duty when Wheat is at or above 85s. per Quarter -	- - 4d.	- -	- -	Second Low Duty when Oats are at or above 30s. per Quar. 6d.
	Malt made of Wheat, prohibited.	Rye ground or Malt made of Rye, Pease ground and Beans ground, prohibited.	Barley, Indian Corn or Maize, Bear or Bigg, ground, and Malt made of Barley, Indian Corn or Maize, Bear or Bigg, prohibited.	Malt made of Oats, prohibited.

SCHEDULE (B.)

When imported from the Province of Quebec, or the other British Colonies or Plantations in North America.	Wheat.	Rye, Pease, and Beans.	Barley, Bear or Bigg.	Oats.
If under, per Quarter	67s.	44s.	33s.	22s. 6d.
High Duty	12s.	8s.	6s.	4s.
Additional, for First Three Months	5s.	3s. 6d.	2s. 6d.	2s.
If at or above, per Quarter	67s.	44s.	33s.	22s. 6d.
But under, per Quarter	71s.	46s.	35s. 6d.	24s.
First Low Duty	5s.	3s. 6d.	2s. 6d.	2s.
Additional, for First Three Months	5s.	3s. 6d.	2s. 6d.	2s.
If at or above, per Quarter	71s.	46s.	35s.	24s.
Second Low Duty	1s.	8d.	8d.	4d.
	Duty upon Wheat Meal or Flour, to be as follows:	—	—	Duty upon Oatmeal, to be as follows:
First High Duty, per Cwt. when Wheat is under 67s. per Quar.	3s. 3d.	—	—	High Duty per Boll when Oats are under 22s. 6d. per Quar. 4s. 10d.
Additional, for First Three Months	1s. 7d.	—	—	Additional, for First Three Months - 2s. 2d.
First Low Duty, when Wheat is at or above 67s. per Quarter, but under 71s. per Quar.	1s. 7d.	—	—	First Low Duty, when Oats are at or above 22s. 6d. per Quarter, but under 24s. do. - 2s. 2d.
Additional, for First Three Months	1s. 7d.	—	—	Additional, for First Three Months - 2s. 2d.
Second Low Duty, when Wheat is at or above 71s. per Quar.	4d.	—	—	Second Low Duty, when Oats are at or above 24s. per Quarter - - 6d.
	Malt made of Wheat prohibited.	Rye ground, or Malt made of Rye, Pease ground, and Beans ground, prohibited.	Barley, Indian Corn or Maize, Bear or Bigg, ground, and Malt made of Barley, Indian Corn or Maize, Bear or Bigg, prohibited.	Malt made of Oats, prohibited.

CAP. LXI.

An Act to regulate the Performance of certain Contracts, and to authorize the Courts of Chancery and Exchequer to make Orders in Cases which may arise out of the Conversion of certain Annuities of Five Pounds *per Centum per Annum* into Annuities of Four Pounds *per Centum per Annum*; and for paying off such Proprietors of Five Pounds *per Centum* Annuities as shall dissent from receiving Four Pounds *per Centum* Annuities in lieu thereof.

[15th *July* 1822.]

'WHEREAS an Act passed in the present Session of Parliament, intituled *An Act for transferring several Annuities of Five Pounds* per Centum per Annum *into Annuities of Four Pounds* per Centum per Annum: And Whereas another Act passed in the present Session of Parliament, intituled *An Act for converting Annuities and Debentures of Five Pounds* per Centum per Annum *payable at the Bank of* Ireland, *into New Annuities of Four Pounds* per Centum per Annum: And Whereas many Persons may be bound by the Conditions of Bonds, or the Terms of Contracts or Trusts, or as Executors under Wills, executed, entered into or made before the passing of the said Acts respectively, to transfer specific Amounts of Capital Stock in the Five Pounds *per Centum* Annuities, at Periods or upon Events which may happen posterior to the Reduction of the said Five Pounds *per Centum* Annuities under the Provisions of the said Acts or either of them, or to pay certain Annuities or Sums of Money out of Dividends upon such Five Pounds *per Centum* Annuities, which such Persons will be disabled from doing in consequence of the said recited Acts; and it is therefore expedient and necessary to provide for the Mode in which the Conditions of any such Bonds, or the Terms of any such Contracts, or Execution of any such Trusts, or the Payment of any such Legacies, or Distributions of Property under any such Wills, shall be fulfilled:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every case in which any Person or Persons shall, at the time of the passing of this Act, be or remain bound by the Condition of any Bond or Obligation, or by the terms of any Instrument in Writing, or by any Agreement or Contract entered into or made before the passing of the said recited Acts respectively, to transfer any Amount of Capital Stock in the Five Pounds *per Centum* Annuities respectively, the Condition of every such Bond or Obligation, or the Terms of every such Instrument in Writing, or Agreement or Contract, shall be deemed in Law and Equity to be satisfied by making a Transfer of One hundred and five Pounds Capital Stock in the New Four Pounds *per Centum* Annuities respectively, for and in lieu of every One hundred Pounds Capital Stock in the said Five Pounds *per Centum* Annuities respectively, as the case may be, and so in proportion for any

c. 9. ante.

c. 17. ante.

Bonds and Contracts to transfer 5l. per Cents. to be deemed satisfied by Transfer of the New 4l. per Cents.

any greater or less Amount; and that where any Part is by the Condition of any such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, bound or required to pay Half yearly Sums equal to the Dividends on any specified Amount of any such Five Pounds *per Centum* Annuities respectively, every such Bond, Obligation, Instrument, Agreement or Contract, shall be satisfied by the Payment of Half yearly Sums equal to the Dividends of or upon an equivalent Amount of the said New Four Pounds *per Centum* Annuities respectively, calculated as aforesaid.

Lenders of 5l. per Cents. on Contract to replace, may on notice in writing demand 100l. Money for every 100l. Stock.

II. Provided always, and be it further enacted, That in every case in which any such Five Pounds *per Centum* Annuities respectively shall have been transferred in the way of Loan, upon any Condition in any Bond or Instrument, or under or upon any Agreement or Contract for the Repayment of such Loan, by the replacing the Amount of Stock so transferred, it shall be lawful for the Person or Persons who shall have made any such Loan, or their Executors, Administrators or Assigns, to declare an Option, and give Notice thereof in Writing, and thereby require the Repayment of One hundred Pounds of lawful Money of *Great Britain*, or in *Ireland* of One hundred Pounds *Irish* Currency, for every One hundred Pounds Capital Stock of such Five Pounds *per Centum* Annuities transferrable at the Bank of *England* or *Ireland* respectively, so transferred in the way of Loan as aforesaid, and so in proportion for any greater or less Amount; and every Bond, Obligation, Instrument, Agreement or Contract given, entered into or made upon any such Loan or Contract, shall be deemed in every such case, in Law and in Equity, to entitle the Person or Persons, his, her or their Executors, Administrators or Assigns, to such Repayment in Money, and to demand and recover the same in any Court in which any Action, Suit, Process or Proceeding may be brought, instituted or carried on, upon any such Bond, Obligation, Instrument, Agreement or Contract; any thing in any such Bond or Obligation, Instrument, Agreement or Contract, to the contrary notwithstanding.

Powers of Attorney in case of Dissent to continue in force, unless legally revoked.

III. And be it further enacted, That every Power of Attorney which was at the time of passing the said recited Acts respectively in force, for the Sale or Transfer of any such Five Pounds *per Centum* Annuities, in respect of which any Dissent may have been signified under the Provisions of the said recited Acts respectively, shall continue and remain in full force, unless legally revoked, for the Purpose of enabling the Attorney or Attornies therein named to give a legal Discharge for the Principal and Dividend of such Five Pounds *per Centum* Annuities when paid off, under the Provisions of the said recited Acts respectively.

Powers of Attorney for the 5l. per Cent. Annuities to remain in force for receiving Dividends or for transferring Stock of 4l. per Cents.

IV. And be it further enacted, That all Powers of Attorney which may have been or may hereafter be granted, and which would have remained in force if this Act had not passed, for the Receipt of Dividends or for Sale or Transfer of any Five Pounds *per Centum* Annuities, transferrable at the Bank of *England* or *Ireland* respectively, and which, under or by virtue of the Acts passed in the present Session of Parliament, have been or shall be converted into Four Pounds *per Centum* Annuities, shall continue and remain in full force and effect, for receiving the Dividends which

which shall become due on the Four Pounds *per Centum* Annuities created in lieu thereof, or for selling or transferring any such Four Pounds *per Centum* Annuities, and also for receiving Dividends on any further Sum of such Four Pounds *per Centum* Annuities, which the Parties by whom such Letters of Attorney were given may hereafter purchase or require, until such Powers are revoked or otherwise determined.

5l. per Cent. Stock in respect of which Dissent signified, when paid off, shall be cancelled.

V. And be it further enacted, That all such Five Pounds *per Centum* Annuities, in respect of which any Dissent shall have been signified under the Provisions of the said recited Acts respectively, which shall in consequence of such Dissent be paid off, pursuant to the Provisions of the said recited Acts respectively, shall, immediately upon such Payment being made, and a Discharge given for the same, be cancelled at the Bank of *England* or *Ireland* respectively; and a Certificate of the Amount so cancelled shall be transmitted to the Commissioners for the Reduction of the National Debt.

Trusts as to 5l. per Cents. extended to 4l. per Cents., and Directions as to the Application of 5l. per Cents. shall be carried into effect by the Application of the 4l. per Cents.

VI. And be it further enacted, That all Trusts, whether created by Will or otherwise, and which existed either in the Whole or in Part, and all Directions contained in any Will or Devise or Testamentary Paper, which remain unexecuted at the time of the passing of the said recited Acts respectively, as to any Five Pounds *per Centum* Annuities which have by the said recited Acts respectively been converted into Four Pounds *per Centum* Annuities, or as to the Payment or Distribution of any Dividends thereon, or as to the Transfer of any such Annuities, in any Events specified in any such Trusts or Will or Testamentary Paper, shall extend, and be deemed and construed in all Cases and in all Courts of Law and Equity in the United Kingdom or elsewhere, in any Dominions or Territories belonging to His Majesty to extend and to apply to all such Four Pounds *per Centum* Annuities created in lieu of any Five Pounds *per Centum* Annuities subject to or affected by any such Trusts or Devises, or Wills or Testamentary Papers, for all Purposes and in all Cases in which such Trusts, or to which any such Directions can be made applicable: Provided always, that in all Cases in which any Proportions or Parts of any such Five Pounds *per Centum* Annuities are required to be transferred, under any such Trusts, or under the Provisions of or Directions contained in any Will, Devise or Testamentary Paper, or any Proportion or Part of any Dividends arising from and out of any such Five Pounds *per Centum* Annuities are required to be paid or distributed, the Transfer of a like Proportion of Four Pounds *per Centum* Annuities, calculated in the Proportion of One hundred and five Pounds Four Pounds *per Centum* Annuities for every One hundred Pounds Five Pounds *per Centum* Annuities, and the Payment and Distribution of like Proportion or Dividends at the Rate of Four Pounds *per Centum* instead of Five Pounds *per Centum*, upon the Capital so calculated, shall be and be deemed and taken, in all Courts and for all Purposes, to be a due Execution of such Trusts, or of the Directions contained in any Will or Testamentary Paper, and shall fully discharge the Trustee or Executor or Executors making the same, who are hereby declared to be and are hereby fully indemnified in respect of such Execution of any such Trusts and Executorship as aforesaid.

Proviso as to what shall be taken to be a due Execution of the Trusts of Wills, &c.

Questions as to Trusts in the 5l. per Cents. may be decided by Courts of Chancery, Exchequer, and Court of Session.

VII. And be it further enacted, That in every Case in which any Question may have arisen or may arise, upon the Execution of any Trusts, or upon any Distributions which may have been or may be made, or may remain to be made, by any Trustees, Executors or Administrators, of or in relation to or arising out of any such Five Pounds *per Centum* Annuities, or of any Parts or Proportions of any such Five Pounds *per Centum* Annuities, which may have been vested in any Trustees, or which may have been distributable by any Executors or Administrators, or as to the Application of any Residue thereof, or as to the Distribution or Application of any Four Pounds *per Centum* Annuities transferred under the Provisions of the said Acts or either of them, in lieu of any Five Pounds *per Centum* Annuities, whether as to the Powers or Authorities of any such Trustees, Executors or Administrators, or as to the relative Interest of any Persons entitled under any such Trusts or under Wills, to receive any Annuities charged upon *o* rarising or payable out of the Proceeds of any such Five Pounds *per Centum* Annuities, and of any Person interested in any Residue of any of such Five Pounds *per Centum* Annuities, whether under any specific Provision relating to any such Trusts, or contained in any Wills, or arising out of the Execution of any Wills by any Executors, or the Distribution of any Estates by any Administrators; and in all other Cases whatever in which any Question may arise in consequence of the Transfer of any such Five Pounds *per Centum* Annuities into Four Pounds *per Centum* Annuities, it shall be lawful for any such Trustees, Executors or Administrators, and for any Persons entitled to or interested in any such Five Pounds *per Centum* Annuities, or any Four Pounds *per Centum* Annuities created in lieu thereof, or in any Proceeds of any such Annuities, whether in Reversion or otherwise, to make Application to the High Courts of Chancery, or to the Courts of Exchequer in *England* or *Ireland* respectively, or to the Court of Session in *Scotland*, in a summary Way, either by Motion or Petition; and it shall be lawful for the said High Courts of Chancery, or for the Courts of Exchequer in *England* or *Ireland* respectively, or for the Court of Session in *Scotland*, to make general Orders in relation to any such Question, or special Orders in a summary Way upon any such Application, or as to any other Matter or Thing relating to any such Annuities, or to any Dividends thereof, or to any Four Pounds *per Centum* Annuities which may be created in lieu thereof, or to the Application of any such Four Pounds *per Centum* Annuities, or any Dividends thereof; and no Application, Petition or Affidavit, made by or on behalf of any Trustees, Executors or Administrators, or Trustee, Executor or Administrator, or other Persons or Person interested in any of such Annuities, or any Dividends thereof respectively, nor any Order or Report made or other Proceeding had in any or either of the said Courts respectively, in consequence of any Question which may arise out of any of the Provisions of the said recited Acts, or either of them, in relation to the said Five Pounds *per Centum* Annuities respectively, or any Part or Share or Shares thereof, or in relation to any Four Pounds *per Centum* Annuities which may be created under the said recited Acts, or either of them, in lieu of the said Five Pounds

On Application by Motion or Petition.

Pounds *per Centum* Annuities, or the Dividends of such respective Annuities, nor any Copy or Copies of such Application, Petition, Affidavit, Order, Report or other Proceeding, shall be subject or liable to be stamped or charged or chargeable with any Stamp Duties whatever, any thing in any Act or Acts of Parliament to the contrary notwithstanding; and all Trustees, Executors, Administrators and other Persons acting under any Orders made by any or either of such Courts respectively, or whose Acts shall be confirmed by any or either of such Courts respectively, if done before any Application made to any or either of the said Courts respectively, shall be and are hereby fully indemnified against all Actions, Suits or Proceedings, for or in respect of any Act, Matter or Thing done by them respectively in pursuance of or under any such Order, or which shall be confirmed by any such Order; and in case any Action, Suit or other Proceeding be commenced or instituted against any such Trustee, Executor, Administrator or other Person, for or in respect of any such Act, Matter or Thing, it shall be lawful for the Court in which such Action, Suit or Proceeding shall be commenced, or shall be pending, upon summary Application, to stay, and such Court is hereby required to stay such Action, Suit or Proceeding, and to make such Order relative to the Costs thereof as such Court shall think expedient.

No Stamp Duties.

Trustees, &c. indemnified.

Action against Trustee, &c. may be stayed on summary Application.

VIII. And be it further enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby empowered and required, to accept and receive New Four Pounds *per Centum* Bank Annuities, created by the hereinbefore first recited Act of the present Session of Parliament, as the Consideration for the Purchase of Life Annuities; and for the Purpose of ascertaining the Price of such Stock or Annuities, the Cashier or Cashiers of the Bank of *England* shall and they are hereby required, on every Day on which any of the said Annuities shall have been bought at the Bank of *England*, to cause an Account to be made out of the Average Price thereof, according to the Regulations prescribed by any Act or Acts now in force for ascertaining the Average Price of Three Pounds *per Centum* Bank Annuities, for enabling the Purchase of Life Annuities; which said Account shall be transmitted to the Officer appointed by the said Commissioners, to enable him to ascertain the respective Amounts of the like Annuities which may be purchased by the Transfer of such New Four Pounds *per Centum* Bank Annuities as aforesaid.

New 4*l.* per Centum Annuities may be accepted by the Commissioners for Life Annuities.

IX. And be it further enacted, That when any New Four Pounds *per Centum* Bank Annuities shall be transferred to the said Commissioners, for the Purchase of Life Annuities, that such Four Pounds *per Centum* Bank Annuities shall be first converted, by the Computation of the said Officer, into Three Pounds *per Centum* Consolidated or Reduced Bank Annuities (at the Option of the Purchaser) according to the Average Price of those Stocks, to be ascertained as hereinbefore directed; and the Life Annuities to be granted thereon shall be calculated and ascertained upon the Amount of Three Pounds *per Centum* Bank Annuities, including Fractions (if any), produced by such Conversion, according to the Provisions, Rules and Regulations prescribed by any Act

Mode of computing New 4*l.* per Cents.

or Acts now in force enabling the said Commissioners to grant Life Annuities.

'X. And Whereas the time has not yet expired within which 'certain Proprietors of Five *per Cent.* Annuities payable in *Eng-* 'land and *Ireland* respectively, are empowered to signify their 'Dissent to accept Four *per Cent.* Annuities in lieu thereof; 'it is therefore expedient that Provision should be made for pay- 'ing off those Proprietors who may hereafter signify such Dis- 'sent;' Be it therefore enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, out of any of the Aids or Supplies which have been or which may hereafter be granted by Parliament, to issue to the Governor and Company of the Bank of *England* or *Ireland* respectively, such Sum or Sums of Money as may be necessary for paying off any such Proprietor or Proprietors who may so dissent, and also for paying the Proportion of the Dividend or Interest which may have accrued on the said Five *per Cent.* Annuities, up to the Day or Days which may be appointed by the said Commissioners of the Treasury for paying off such Proprietor, and which shall in no case be less than Ten Days from the Day of signifying such Dissent.

Future Dissents may be paid out of Aids granted by Parliament.

CAP. LXII.

An Act for regulating the Fees chargeable in His Majesty's General Register House at *Edinburgh*, and for completing the Buildings necessary for keeping the Public Records of *Scotland* therein. [15th *July* 1822.]

57 G. 3. c. 64. § 1.

'WHEREAS by an Act passed in the Fifty seventh Year 'of the Reign of His late Majesty King *George* the Third, 'intituled *An Act to abolish certain Offices, and regulate others, in* 'Scotland, it was among other things enacted, that from and after 'and upon the Termination of the then existing Interests in the 'Offices of Keeper of the Signet and Lord Register in *Scotland* 'respectively, in the manner therein mentioned, the Fees paid and 'payable to the Lord Register for *Scotland*, or in respect of the 'Duties then discharged by any Person or Persons in the Office 'of the said Lord Register, should continue to be paid and pay- 'able in the same manner as such Fees respectively were then paid 'and payable; and such Fees should be applied, in the First 'Place, in satisfying and paying such Salaries or Allowances as 'the Lord High Treasurer or Commissioners of His Majesty's 'Treasury, or any Three or more of them, should think fit to 'grant and direct to be paid to any Person or Persons whom 'they might think necessary for the due Discharge of the Busi- 'ness appertaining to the Office of Lord Register, and the next 'Place in the Payment of the Salary of One thousand two hun- 'dred Pounds *per Annum* thereby granted to the Person holding 'the said Office of Lord Register, and any Balance of such Fees 'which should remain after such Payment should be paid to the 'Receiver General of *Scotland*, at least once in Three Months, 'or as the said Lord High Treasurer or Commissioners of the 'Treasury, or any Three or more of them, should direct, and 'should be paid and accounted for by him with the other Public

'Monies

'Monies received by him: And Whereas the Interest which then 'existed in the said Office of Lord Register in *Scotland* termi- 'nated by the Death of the Right Honourable *Archibald Colqu- 'houn*, which happened on the Eighth Day of *December* One 'thousand eight hundred and twenty, and the said Office of 'Lord Register is now held, and the Duties thereof are now 'discharged, by the Person who was then and still continues 'Keeper of the Signet for *Scotland*, in the manner directed 'by the said recited Act: And Whereas it is expedient that 'the Fees exigible in respect of the Office of the Lord Re- 'gister for *Scotland*, and in respect of the Duties discharged 'by the Person or Persons in the Office of the said Lord Re- 'gister, which are directed to be continued to be paid and pay- 'able by the said recited Act, should be regulated:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Lord President of the Court of Session in *Scotland*, the Lord Register of *Scotland*, the Lord Advocate of *Scotland*, the Lord Justice Clerk, the Lord Chief Baron of the Court of Exchequer in *Scotland*, and the Lord Chief Commissioner of the Jury Court, all for the time being or any Three or more of them, and they are hereby authorized, as soon as conveniently may be after the passing of this Act, to enquire into and ascertain, and to modify and regulate in such manner as to them shall appear just and proper, the Fees that are or ought to be paid and payable for or in respect of the Office of Lord Register for *Scotland*, or in respect of the Duties discharged by any Person or Persons in the Office of Lord Register, which are directed to be continued to be paid and payable by the said recited Act, and to frame a Table fixing and settling the Amount of each and every such Fee and all such Fees, and to make a Report thereof and thereupon to each House of Parliament.

Lord President of Court of Session, &c. may regulate Fees in Office of Lord Register, and frame a Table of Amount, and Report to Parliament.

II. And be it enacted, That from and after the Expiration of Two Calendar Months after such Report shall be made to each House of Parliament, the Fees specified in such Table and no others, shall be and become the only Fees exigible for or in respect of the said Office of Lord Register, and in respect of the Duties discharged by any Person or Persons in the said Office of the said Lord Register, with reference to the several Matters and Things to which such Fees shall respectively appertain, as appearing from the said Table.

Two Months after Report made, Fees specified in Table exigible.

'III. And Whereas the Building called the General Register 'House, which has been erected for the Purpose of being a Re- 'pository of the Public Muniments and Records of *Scotland*, re- 'mains to be completed according to the Original Design and Plan 'thereof, and the Accommodation afforded by so much of the 'Building as has been erected has become insufficient for the 'Purposes of such Repository; and it being necessary that addi- 'tional Accommodation should be afforded, it is reasonable that 'the Balance of Fees remaining, after satisfying and paying the 'Salaries or Allowances granted or that may be granted for the 'due Discharge of the Business appertaining to the said Office 'of Lord Register, and also of the Office of the Keeper of the

'Signet,

'Signet, when the same shall come to be, as the said Office of 'Lord Register has been, regulated pursuant to the said recited 'Act, should be applied for this Purpose;' Be it enacted, That the Balance of all such Fees that has already arisen, and the Balance of all such Fees that shall hereafter arise, which are directed by the said recited Act to be paid to the Receiver General of *Scotland*, shall be paid to the Keeper of the Great Seal of *Scotland*, the Keeper of the Privy Seal, the Lord Justice General of *Scotland*, the Lord President of the Court of Session in *Scotland*, the Lord Register of *Scotland*, the Lord Advocate of *Scotland*, the Justice Clerk, the Lord Chief Baron of the Court of Exchequer in *Scotland*, and the Lord Chief Commissioner of the Jury Court, all for the time being, until Sums shall have been received by them, or any Three or more of them, to the Amount of Thirty thousand Pounds.

To whom Balance of Fees paid instead of Receiver General for Scotland.

IV. And be it enacted, That all Sums so received by virtue of this Act shall be laid out and applied by the aforesaid Persons herein named, or any Three or more of them, in completing and fitting up the Buildings intended for a General Repository of the Public Records of *Scotland*, according to the Original Plan or Design thereof, Part of which only has been finished, or according to such other Plan or Design as shall appear to the aforesaid Persons above named, or any Three or more of them, best adapted in the present State of the Public Records of *Scotland*, for the Purposes of such Repository.

Application of Money received.

V. And be it enacted, That once at least in Three Years from and after the passing of this Act, the aforesaid named Persons, or some Three or more of them, shall make a Report to each House of Parliament, stating the Sums from time to time received by them pursuant to this Act, the Application thereof, the Progress made in completing the said Building and any Matter arising out of the same which may appear proper to them to be reported to Parliament.

Report of Amount of Receipts and Disbursements laid before Parliament.

CAP. LXIII.

An Act to authorize the Sale of Quit Rents and other Rents, and the Sale and Demise of Lands, Tithes, Tenements and Hereditaments, the Property of His Majesty in Right of the Crown, in *Ireland*. [15th *July* 1822.]

38 G. 3. c. 72. (I.)

'WHEREAS an Act was passed in the Parliament of *Ireland*, 'in the Thirty eighth Year of the Reign of His late Ma- 'jesty King *George* the Third, intituled *An Act for the Sale of 'His Majesty's Quit Rents, Crown and other Rents, and of the 'Lands forfeited in the Years One thousand six hundred and forty 'one, and One thousand six hundred and eighty eight, and other 'Lands yet remaining undisposed of, in such Manner and under 'such Provisions as are therein mentioned:* And Whereas another 'Act was passed in the Parliament of *Ireland*, in the Thirty 'ninth Year of the Reign of His said late Majesty, for amending 'the said recited Act passed in the said Thirty eighth Year: 'And Whereas Two Acts were passed in the Parliament of the 'United Kingdom of *Great Britain* and *Ireland*, in the Forty 'sixth and Forty seventh Years of the Reign of His said late Ma-

amended by 39 G. 3. c. 33. (I.)

and by 46 G. 3. c. 123.

'jesty, for amending several Acts for the Sale of His Majesty's 'Quit Rents, Crown and other Rents, and certain Lands forfeited 'and undisposed of, in *Ireland*; and it is expedient that more ef- 'fectual Provision should be made for carrying into Execution the 'Purposes intended by the said recited Acts:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the said several recited Acts shall be and the same are hereby repealed.

(U.K.) 47 G.3. sess.1. c.16.

The said Acts repealed.

II. And be it further enacted, That from and after the Commencement of this Act, it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, from time to time, under the Rules and Regulations in this Act contained, to contract for the Sale and Disposal, and to sell or dispose of any Quit Rents, Crown Rents or Composition Rents, payable to His Majesty arising in *Ireland*, and also to sell and dispose of any Lands, Tithes, Tenements or Hereditaments, situate in *Ireland*, which are and shall be the Property of His Majesty, His Heirs or Successors, in Right of the Crown, under any Conviction, Attainder, Escheat or Forfeiture, or under any Act or Acts in force in *Ireland*, or otherwise howsoever.

Treasury empowered to sell Quit Rents and Crown Lands in Ireland.

III. Provided always, and be it enacted, That the Fees on the Payment of any such Rents, payable by the Persons subject to the same, established by an Act of the Parliament of *Ireland* made in the Ninth Year of the Reign of King *William* the Third, intituled *An Act for making the Collectors' Receipts for Quit Rent, Crown Rent and other Rents due to the Crown, full and legal Discharges for the same, and for limiting their Fees thereon*, shall be considered as Part of the Rent to be purchased, and shall be paid for at the same Rate as the Rents to be purchased.

Fees under 9 W.3. c.6. (I.) to be reckoned as Part of Quit Rents to be purchased.

IV. And be it further enacted, That it shall and may be lawful for any Person or Persons, and for any Trustee or Trustees of any Person or Persons, and for any Guardian or Guardians of Infants, or Committee or Committees of Lunatics, and for any Body Politic, Corporate or Collegiate, to Purchase any Quit Rents, Crown Rents or Composition Rents, or any Lands, Tithes, Tenements or Hereditaments, by this Act authorized to be sold.

Trustees, &c. empowered to Purchase.

V. Provided always and be it enacted, That no Sale or Purchase shall be made of any such Quit Rents, Crown Rents or Composition Rents, and the Fees payable thereon, nor of any such Lands, Tithes, Tenements or Hereditaments, unless the Person or Persons contracting to purchase the same shall, upon the Contract or Agreement for such Sale and Purchase being made with the said Commissioners of His Majesty's Treasury, pay into the Receipt of His Majesty's Exchequer in *Ireland*, according to the Course of the said Exchequer, One fourth Part at least of the Purchase Money contracted and agreed for, and the Remainder of such Purchase Money by Three equal Payments, at Periods not longer than Three, Six and Nine Calendar Months from the Day of the making of such Deposit; and in case Default shall be made of or in any such Payments on the Day on which the same shall be

On Contract for Purchase, 1-4th to be paid down, and the Remainder at 3, 6, and 9 Months.

be payable, then the said Deposit of One fourth Part of the Purchase Money, and so much of the said Purchase Money as shall have been paid, shall be forfeited to His Majesty, His Heirs and Successors: Provided always, that it shall and may be lawful for any such Purchaser, with the Consent of the said Commissioners of the Treasury, to pay in the whole of the Purchase Money at One Payment, or at any such shorter Periods as may be agreed on for that Purpose.

Purchase Money may be paid at once.

Particulars of Quit Rents to be stated by Persons desirous of contracting for Purchase.

VI. And be it further enacted, That every Person, Trustee, Guardian and Committee, and Body Politic, Corporate or Collegiate, who shall be desirous and shall offer to purchase any such Quit Rents, Crown Rents or Composition Rents, shall deliver or cause to be delivered to the Commissioners of His Majesty's Treasury for the time being, an Account of the Honors, Manors, Towns, Lands, Rectories, Tithes, Fairs, Markets, Ferries, Tenements and Hereditaments, out of which the Rent or Rents proposed or desired to be purchased is or are payable, and of each particular Rent or Rents, and the Fees payable for the same, and the Price which any such Person or Corporation shall offer and be willing to give for the Purchase of the same, and shall at the same Time declare whether such Person or Corporation is or are desirous that the Rent or Rents so intended to be purchased shall be extinguished or shall subsist for the Use of any Purchaser and the Heirs or Assigns of such Purchaser.

How Rents so purchased shall be extinguished.

VII. And be it further enacted, That in case any Purchaser shall desire that the Rent so to be purchased shall be extinguished, then upon Payment into the Receipt of His Majesty's Exchequer in *Ireland*, according to the Course of the said Exchequer, of such Sum as shall be approved of by the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, for the Purchase of such Rent or Rents and Fees, a Certificate shall be given by the proper Officer of the Receipt of His Majesty's said Exchequer, setting forth the Name or Names of the Honors, Manors, Towns, Lands, Rectories, Tithes, Fairs, Markets, Ferries, Tenements and Hereditaments, out of which the Rents purchased is or are payable, with such Description thereof, corresponding with the Record of such Rent or Rents in His Majesty's Exchequer in *Ireland*, as will be sufficient to ascertain the same, together with the several particular Rent or Rents, and the Fees payable thereout, and declaring that the Rent or Rents so purchased, is or are purchased in order that the same shall cease and be extinguished, which Certificate shall be enrolled in the Office of the Auditor of the Exchequer in *Ireland*, after Payment of the whole of the Consideration Money agreed to be paid; and from the Time of such Enrolment, the Rent or Rents so purchased shall cease and be extinguished, and the Honors, Manors, Towns, Lands, Rectories, Tithes, Fairs, Markets, Ferries, Tenements and Hereditaments, out of which such Rent or Rents was or were payable, shall be exonerated and discharged therefrom.

Treasury may compound for Arrears of Quit Rents, &c.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners of His Majesty's Treasury, or any Three of them, to make a Composition or Agreement with any Person or Persons for any Arrears of any such Quit Rents or Crown

Crown Rents which may be due or owing from any such Person or Persons to His Majesty, His Heirs or Successors; and from and after the Payment of any Sum or Sums of Money so agreed upon, His Majesty, His Heirs and Successors, shall be barred from suing for or in any manner recovering any such Arrears of Rent so compounded for as aforesaid; any thing in any Act or Acts in force in *Ireland* to the contrary notwithstanding.

The King barred.

IX. Provided always, and be it further enacted, That no Sale shall be made of any such Rent for the Purpose of extinguishing the same, unless all arrears thereof, up to the Time of Payment of the First Deposit of the Purchase Money, or the Sums for which the same shall be compounded under the Provisions of this Act, shall have been fully paid and satisfied to His Majesty, His Heirs or Successors.

Arrears of Rents to be extinguished paid up.

'X. And Whereas Persons may be desirous of purchasing such 'Rents, in order that the same may cease or be extinguished, who 'may not be seised in Fee Simple of the Honors, Manors, Towns, 'Lands, Rectories, Tithes, Fairs, Markets, Ferries, Tenements and 'Hereditaments out of which the Rent or Rents which they may 'be desirous of purchasing are payable;' Be it therefore enacted, That in such Case it shall and may be lawful for every such Person, by any Deed or Deeds in Writing, to raise any Sum or Sums of Money not exceeding the Amount of the Purchase Money paid for such Rent or Rents, and the said Fees thereon, and the Expence of such Purchase, by Mortgage of the Towns, Lands, Rectories, Tithes, Fairs, Markets, Ferries, Tenements and Hereditaments, or by Sale of a sufficient Part thereof; or otherwise to charge and incumber the same with such Sum or Sums and the Interest thereof, and to dispose of the same in such manner as he or they shall think proper; and every such Sale or Mortgage, Charge and Incumbrance, shall be good and valid in the Law against every Person in Remainder or Reversion in or to the Premises so sold, mortgaged, charged or incumbered, and all other Persons entitled to or claiming any Debt, Charge and Incumbrance affecting the Premises so sold, mortgaged, charged or incumbered, and shall have Priority thereto.

Persons not seised in Fee Simple may raise Money by Mortgage for purchasing and extinguishing Quit Rents.

XI. And be it further enacted, That where any Person shall be desirous that any Rent so to be purchased shall subsist for the Use of the Purchaser, and the Heirs and Assigns of such Purchaser, then and in such case, upon Payment into the Receipt of His Majesty's Exchequer in *Ireland*, according to the Course of the said Exchequer, of such Sums as shall be approved of by the Lord High Treasurer, or Commissioners of His Majesty's Treasury, for the Purchase of any such Rent or Rents and the Fees thereon, a Certificate shall be given by the proper Officer of the said Exchequer in manner hereinbefore mentioned; save that such Certificate shall declare that the Rent or Rents so purchased, is or are so purchased, to the Use of the Purchaser and the Heirs and Assigns of such Purchaser; and such Certificate shall be enrolled in manner hereby required with respect to any other Certificate; and from the time of such Enrolment, the Rent or Rents so purchased, shall be vested in the Purchaser or Purchasers, and the Heirs and Assigns of such Purchaser or Purchasers.

Certificate to be given where Rent purchased is to subsist for the Use of the Purchaser.

What to state.

To be enrolled.

Rents to vest.

XII. And

How such Rents shall be paid to and recoverable by Purchaser.

XII. And be it further enacted, That all such Rents as shall be so purchased for the Use of the Purchaser, shall be paid and payable to such Purchaser, and the Heirs and Assigns of such Purchaser, by Two even Half yearly Payments, on every Twenty fifth Day of *March* and Twenty ninth Day of *September* in every Year, together with the Fees payable on the same; and such Purchaser, and the Heirs and Assigns of such Purchaser, shall have the like Remedy for recovering such Rents by Distress or Re-entry, or by Action of Debt or in Covenant, as any Person may have on any Lease, demising Lands and reserving Rent, in which is contained any Clause of Distress or Re-entry, or any Covenant on the Part of the Lessee, his Heirs, Executors, Administrators and Assigns, to pay Rent, and shall have the like Privileges and Advantages in taking a Distress for such Rent, and in proceeding for the Recovery of such Rent, as His Majesty, His Heirs or Successors, may by Law have.

Distress.

Certificate of Payment Evidence of Title.

XIII. And be it further enacted, That the Certificate of the Payment of the Purchase Money for any such Rent so enrolled as aforesaid in the Office of the Auditor of the said Exchequer of *Ireland*, or an attested Copy thereof, shall be admitted in all Courts of Law and Equity as Evidence of the Title of the Purchaser of such Rent, and all Persons deriving under any such Purchaser.

Proprietors of Parcels of several Lands comprized in the same Grant at several Quit Rents, liable only to their respective Rents.

'XIV. And Whereas in many Grants of Lands by Letters Patent from the Ancestors or Predecessors of His Majesty, reserving Quit Rents, several Denominations or Parcels of Land are granted by the same Grant, and the several Proportions of Rent for each Parcel of Land, according to the Number of Acres therein, and which compose the gross Rent reserved on such Grant, are set forth in such Grant;' Be it enacted, That whenever the Rent for any such Parcel of Land shall be purchased under this Act by the Proprietor of such Parcel of Land, then and in such case the Purchaser of such Rent, and also the Parcel of Land for which such Rent shall be reserved, shall be, and every such Purchaser, and every such Parcel of Land is hereby exonerated and discharged of and from all Rents charged on the other Denominations or Parcels of Land comprized in the same Grant and reserved thereby; any Law, Custom or Usage to the contrary in any wise notwithstanding.

How Crown Lands sold and conveyed to Purchasers.

XV. And be it further enacted, That every Person, Trustee, Guardian and Committee, and Body Politic, Corporate or Collegiate, who shall be desirous and shall offer to purchase under this Act any Lands, Tithes, Tenements or Hereditaments in *Ireland*, being the Property of His Majesty, His Heirs or Successors, in Right of the Crown, shall deliver or cause to be delivered, to the Lord High Treasurer or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the time being, an Account of the Lands, Tithes, Tenements or Hereditaments, which such Person or Corporation shall be desirous of purchasing, and the Price which every such Person or Corporation shall offer and be willing to give for the Purchase of the same; and upon Payment into the Receipt of the Exchequer in *Ireland*, in manner hereinbefore directed, of such Sum or Sums of Money as shall be approved of by the said Lord High Treasurer or Commissioners of the Treasury, for the Purchase of such Lands, Tithes, Tenements

Certificate from the Exchequer.

Tenements or Hereditaments, a Certificate shall be given by the proper Officer of the Receipt of His Majesty's Exchequer in *Ireland*, setting forth the Name or Names of the Lands, Tithes, Tenements or Hereditaments so purchased, with such Description thereof, corresponding with any Record thereof in His Majesty's Exchequer in *Ireland*, as will be sufficient to ascertain the same, which Certificate shall be enrolled in the Office of the Auditor of the Exchequer in *Ireland*; and from and after Payment of the whole of the Purchase Money for such Lands, Tithes, Tenements or Hereditaments, by the Purchaser or Purchasers thereof, it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, to convey such Lands, Tithes, Tenements or Hereditaments, to such Purchaser or Purchasers, by Deed of Bargain and Sale, signed and sealed by the said Lord High Treasurer, or the Commissioners of the Treasury, or any Three of them, and the said Deed of Bargain and Sale shall be enrolled in the Office of the Auditor of the said Exchequer; and from the Time of the Enrolment of such Deed of Bargain and Sale, the Lands, Tithes, Tenements or Hereditaments so purchased, shall be divested out of the Crown, and shall be vested in the Purchaser or Purchasers, and his or their Heirs and Assigns or Successors respectively; and such Deed of Bargain and Sale so enrolled, shall be admitted in all Courts of Law and Equity as Evidence of the Title of the Purchaser of such Lands, Tithes, Tenements or Hereditaments, and of all Persons deriving under such Purchaser.

Conveyance by Bargain and Sale.

Enrolled.

Lands to vest.

XVI. Provided always, and be it enacted, That all such Persons and their Trustees, Guardians and Committees, and all such Bodies Corporate or Collegiate, who shall be in the actual Possession of, or immediately entitled to the Rents and Profits of any Manors, Messuages, Lands, Tenements or Hereditaments, whereon any such Quit Rents, Crown Rents or Composition Rents shall be charged, or out of which they shall be issuable (other than and except Tenants for Years absolute, or Tenants for Lives, or for Years determinable upon Lives, on any Demise whereon any Rent was or shall be reserved, or a Fine or Premium was or shall be paid), shall be preferred in the Purchase of such Quit Rents, Crown Rents or Composition Rents, or any Part thereof, to any Person or Corporation having any Estate or Interest in Remainder, Reversion or Expectancy, in such Manors, Messuages, Lands, Tenements or Hereditaments, and to any Person or Corporation not having any Interest therein: Provided such Persons or Corporations so to be preferred shall contract for the Purchase of such Rents before the Twenty fifth Day of *December* One thousand eight hundred and twenty three; and in case no Contract shall be entered into by such Persons or Corporations before the said Twenty fifth Day of *December* One thousand eight hundred and twenty three, then the Persons or Corporations having such Estates or Interests in Reversion, Remainder or Expectancy, or the Trustees, Guardians or Committees of any such Persons, shall be entitled to purchase such Rents, or any Part thereof, in preference to any other Person or Corporation not having any Estate or Interest therein, until the Twenty fifth Day of *December* One thousand eight hundred and twenty four, according to the Priority of such respective Estates or Interests, such Priority to be settled by the Commissioners

Persons, &c. in actual Possession, or entitled to Rents of Premises (Exception) preferred in Purchase of Quit Rents.

Proviso where no Contract before 25th Dec. 1823.

missioners of His Majesty's Treasury, in case the Parties shall differ about the same.

Treasury may demise Crown Lands at Rack Rent or on Fine.

XVII. And be it further enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, from time to time, by Deed under their Hands and Seals, or the Hands and Seals of any Three or more of them, to demise and lease any Lands, Tithes, Tenements or Hereditaments belonging to His Majesty, His Heirs or Successors, in Right of the Crown as aforesaid, for any Term not exceeding Twenty one Years, at the best improved yearly Rent that can be reasonably had for the same, or upon Payment of any Sum or Sums of Money by way of Fine in Reduction of such Rent; and all and every Sum and Sums so received by way of Fine on any such Demise, shall be paid into the Receipt of His Majesty's Treasury in *Ireland*, according to the course of the said Exchequer, and shall be applied in manner directed by this Act.

Fines on Demise, how applied.

Leases enrolled and Rents paid to Collector of Excise.

XVIII. And be it further enacted, That all Demises and Leases so made, shall be enrolled in the Office of the Auditor General of the Exchequer in *Ireland*, and the Rents thereof put in charge in the Excise Districts in which such Lands are situate; and the Rents thereof shall be paid to the Collector of Excise of such District, and shall be accounted for in like manner as other Monies received by such Collector.

Money paid into Exchequer of Ireland under this Act laid out in Stock at Bank of Ireland in Name of the Treasury, not transferrable but by Authority of Parliament; and the Interest applicable as Land Revenue.

XIX. And be it further enacted, That all and every Sum and Sums of Money which shall be paid into the Receipt of His Majesty's Exchequer in *Ireland*, according to the Course of the said Exchequer, under and by virtue of this Act, on account of the Sale of any Quit Rent, Crown Rent or other Rent, or of any Lands, Tithes, Tenements or Hereditaments, shall from time to time be laid out by the Vice-Treasurer of *Ireland* for the time being, in the Purchase of Stocks, Funds or Annuities transferrable at the Bank of *Ireland*, in the Name of the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the time being; and the Governor and Company of the Bank of *Ireland* are hereby authorized and required to permit Transfers to be made into the Name of the Lord High Treasurer or Commissioners of the Treasury, of the Stock, Funds or Annuities to be purchased accordingly, and such Transfer to be accepted by the said Vice Treasurer of *Ireland* for and in the Name of the said Lord High Treasurer or Commissioners of the Treasury; and the said Vice Treasurer is hereby authorized and required to accept the same accordingly; and all and singular the Stock, Funds and Annuities so to be purchased shall remain invested in the Names of the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the time being; and no Part of such Stock, Funds or Annuities shall be transferred or transferrable at any time without the Authority of Parliament; but all the Interest or Dividends on such Stock, Funds or Annuities, shall be from time to time paid by the Governor and Company of the Bank of *Ireland*, into the Hands of such Person or Persons as shall be appointed to receive such Interest or Dividends, by Warrant under the Hand and Seal of the Lord High Treasurer, or of the Commissioners of his Majesty's Treasury or any Three of them,

them, for the time being, and shall by force and virtue of this Act be deemed and taken in Law to be Part of the said Land Revenue of the Crown in *Ireland*, and shall be from time to time answered, accounted for and appropriated to such and the same Uses and Purposes as the Land Revenue of the Crown in *Ireland* now is or would hereafter be liable to be applied and appropriated to in case this Act had not been made.

Proviso for Claims of Commonage.

XX. Provided always, and be it enacted, That this Act or any thing herein contained, or any Conveyance made under this Act, of any Lands the Property of His Majesty, His Heirs or Successors, in Right of the Crown, shall not extend or be construed to extend in any Way to affect any Claim of Commonage, or any other Claim of any Person or Persons, other than His Majesty, His Heirs or Successors, over or upon any such Lands; but any such Claim of Commonage or other Claim, shall be and continue in all Respects as if this Act had not been made.

Act amended, &c. this Session.

XXI. And be it further enacted, That this Act may be amended, altered or repealed by any Act or Acts to be made in this present Session of Parliament.

Commencement of Act.

XXII. And be it further enacted, That this Act shall commence and take effect from and after the Expiration of Ten Days next after the passing thereof.

CAP. LXIV.

An Act to amend the Laws relating to Prisons in *Ireland*.

[22d *July* 1822.]

1 & 2 G. 4. c. 57.

'WHEREAS the Provisions contained in an Act made in the last Session of Parliament, intituled *An Act to amend an Act, made in the Fiftieth Year of the Reign of His late Majesty King* George *the Third, relating to Prisons in* Ireland, have in several Instances proved inefficient, and it is expedient that the said Act should be repealed, and other Provisions made in lieu thereof;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Expiration of Ten Days next after the passing of this Act, the said recited Act shall be and the same is hereby repealed: Provided always, that all Acts, Matters and Things, acted and done under the said recited Act of the last Session of Parliament, at any time before the Expiration of Ten Days next after the passing of this Act, shall be as good, valid and effectual, and that any Penalty incurred for any Offence under the said recited Act may be recovered, as if the said recited Act had not been repealed by this Act.

Repealed.

Proviso.

50 G. 3. c. 103. § 15—19. 59.

'II. And Whereas by an Act made in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing the several Laws relating to Prisons in* Ireland, *and for re-enacting such of the Provisions thereof as have been found useful, with Amendments;* the several Grand Juries throughout *Ireland* have certain Powers vested in them, and are required to perform certain Duties with regard to the Regulation of the several Prisons within their respective Counties, Counties of Cities

'and Counties of Towns, and to the regular Supply of Food and 'other Necessaries for the Prisoners confined therein: And 'Whereas it is expedient to provide for the Visiting and Superin- 'tendence of such Prisons, and for carrying into effect the Re- 'gulations of the said Act, and for making other Regulations for 'the Prevention of all Abuses in such Prisons;' Be it therefore enacted, That it shall and may be lawful for the Grand Jury of any County, County of a City or County of a Town, in *Ireland*, or any Three or more of the Grand Jurymen, having been sworn as such at any preceding Assizes for such County, or County of a City or County of a Town, from time to time, as they shall think fit or see occasion, to visit any Gaol, Bridewell, House of Correction or any other Prison within such County, County of a City or County of a Town, and belonging thereunto, every such Visit to be on such Day and Hour, and either by previous Appointment or not, as such Grand Jury or Grand Jurymen shall think fit and proper; and it shall be lawful for such Grand Jury, or any Three or more Grand Jurymen, to enquire concerning the due Performance of the Rules and Regulations in and by the said recited Act of the Fiftieth Year of the Reign of His said late Majesty prescribed and required to be observed in Prisons throughout *Ireland*, and also concerning the due Performance of such other Rules and Regulations as may have been lawfully made under the Authority of any other Act of Parliament, or of His Majesty's Court of King's Bench in *Ireland*, or of the Judges of Assize under the Authority of this Act, in manner hereinafter provided, or under any other lawful Authority whatsoever; and also to examine into the Conduct and Situation of the Prisoners in any such Gaol, Bridewell, House of Correction or Prison respectively, and of all Persons concerned in the Government or Management thereof, or holding any Office or Employment therein or relating thereto respectively; and such Grand Jury, or any Three or more Grand Jurymen, are hereby authorized and empowered to examine, on Oath, any Person or Persons, touching the Conduct of any Officer of any such Prison, or of any Prisoner therein, or touching or relating to the Government and Management of such Prison, and the Promotion of Industry and Order therein, and the Classification and Distribution of Offenders and Prisoners in any such Prison, and the Separation of Male and Female Prisoners, and of Prisoners committed for Trial only, from such as shall have been convicted of Crimes and under Sentence of Punishment; and if it shall appear to the said Board, by Evidence on Oath or otherwise, that the Persons concerned in the Government or Management of any such Prison, or any of them, or any Person holding any Office or Employment therein or relating thereto, have misbehaved therein, by any Neglect or Breach or Nonobservance of the Rules and Regulations, or any of them, to which they were respectively bound by Law to conform, then it shall be lawful for such Grand Jury or Grand Jurymen, and they are hereby authorized, empowered and required, to make a Report respecting such Misbehaviour to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, without Delay, or otherwise to make such Report to the Grand Jury at the next Assizes, or to the Sheriff of the County, or to all or any of them, at the Discretion of such Visitors,

Grand Jury or Three Grand Jurymen empowered to visit Prisons, and examine how far the Regulations of recited Act, &c. are complied with, and in case of Misconduct to report to Lord Lieutenant or Grand Jury at the Assizes, &c.

Examination on Oath.

Classification of Prisoners.

Report to Lord Lieutenant of Misbehaviour of Officers of Prison.

Visitors, and in the mean time to admonish and reprimand all Persons guilty of any Misconduct in or relating to such Prison.

Keepers, &c. of Prisons to attend and answer Inquiries of Grand Jury.

III. And be it further enacted, That every Keeper of any such County Prison, and the Inspector, and every other Officer of such Prison, shall at all reasonable Hours attend in such Prison, on due Notice for that Purpose, in order to give to such Grand Jury or Grand Jurymen such Information as may be necessary, on Oath or otherwise, as shall be required by such Grand Jury or Grand Jurymen concerning such Prison, and the Officers thereof, or any of them, and concerning the Prisoners therein, or any of them, and relating to all Matters connected with the Order and good Government of such Prison; and if any such Keeper, Inspector or other Officer shall refuse so to attend, or to be examined, or to give sufficient Answers to any Inquiries, it shall and may be lawful for any One of such Grand Jury or Grand Jurymen to make Complaint thereof to the Court or Judge at the next ensuing Assizes to be held for such County or County of a City or Town, and such Court or Judge may commit such Offender as in Cases of Contempt of Court committed in the Face of the Court at such Assizes.

Not attending, &c. Proceedings.

Poor Prisoners to be supplied with Food and Necessaries at the Public Expence.

IV. And be it further enacted, That from and after the passing of this Act, any Prisoner of whatever Description, in any Prison whatsoever in *Ireland*, who shall desire to receive Food and other Necessaries, and who shall not be of sufficient Ability to procure the same, shall be supplied in manner hereinafter mentioned respectively with such Food and Necessaries at the Public Expence; and every such Prisoner, as long as he shall be so supplied, shall be deemed and taken to be a poor Prisoner within the Meaning of this Act, and shall be subject as such to all Rules and Regulations hereinafter provided in that behalf; and it shall not be lawful for any such Prisoner who shall be so supplied at the Public Expence, to accept or receive any Food or Liquor, other than such as shall be so supplied under this Act; and if any such Prisoner shall accept any Food or Liquor contrary to this Act, such Prisoner shall no longer be supplied at the Public Expence, and shall thereupon cease to be deemed and taken to be a poor Prisoner within the Meaning of this Act.

If supplied in any other way, not deemed a poor Prisoner.

Prisoner for less than 10l. Court may order Creditor to pay him not exceeding 4s. per Week.

V. Provided always, and be it enacted, That in all Cases where any Person shall be confined or detained in any Prison at the Suit of any Creditor or Creditors for any Debt less than the Sum of Ten Pounds, it shall be lawful for the Court under Process from which such Debtor shall be detained, on the Application of such Debtor, in case such Court shall think right under the Circumstances of the Case so to do, to order the Creditor or Creditors at whose Suit such Debtor shall be confined or imprisoned to pay to such Debtor such Sum or Sums, not exceeding the Rate of Four Shillings by the Week in the whole, at such times and in such manner as the said Court shall direct; and that on Failure of Payment thereof as directed by such Court, such Debtor shall forthwith be discharged from Custody at the Suit of the Creditor or Creditors failing to pay the same.

Not paid, Debtor discharged.

Money for providing such Food and Necessaries shall be raised by Presentment.

VI. And be it further enacted, That the Money required for the Payment of any Person or Persons who shall supply, or shall contract to supply, any such Food or other Necessaries, Articles, Matters or Things respectively, for the Use of such poor Prisoner,

shall be raised and levied in every County, County of a City and County of a Town throughout *Ireland*, by Presentment of the Grand Jury, in like manner as Money for similar Purposes has been heretofore raised and levied under the said recited Act of the Fiftieth Year of His late Majesty's Reign, save as in and by this Act is otherwise expressly provided.

50 G. 3. c. 103. § 63.

'VII. And Whereas by the said recited Act of the Fiftieth Year 'of His late Majesty's Reign, it is among other things provided, 'that the Inspector of every Prison in *Ireland* should oversee and 'regulate the providing Food, as he should judge most proper, to 'the Value of not less than Five Pence *per* Day, for every Person 'confined for any Offence, under his Inspection, who should stand 'in need of such Assistance, and it is expedient that the said 'Provisions should be altered as hereinafter is provided;' Be it therefore enacted, That so much of the said Act as prescribes any Amount in Value for such Provisions shall be and the same is hereby repealed; and that from and after the passing of this Act, either of the Inspectors General of Prisons, to be appointed under this Act, shall make out a regular Dietary Table for each and every Gaol, Bridewell, House of Correction or other Prison in *Ireland*, setting forth the Quantity and Description of Food for each and every Day during the Week, to be allowed *per* Head to all poor Prisoners therein; which Dietary Table so prepared shall be submitted to the Judges of His Majesty's Court of King's Bench in *Dublin*, or any One or more of them, in order that such Table may be approved, or may be altered or amended, as such Judge or Judges shall think fit; and such Dietary Table, when approved of by such Judge or Judges, shall be adopted and strictly adhered to in such Prisons until a new Dietary Table shall be appointed; and a Copy of every such Dietary Table shall be placed by the Local Inspector of each Prison in some conspicuous Part of the Common Hall in every such Prison within his Inspection; and according to such Table, Provisions shall be provided for, and distributed to all poor Prisoners in such Prisons respectively, in the same manner as and in lieu of the Provisions directed by the said Act of the Fiftieth Year of His late Majesty's Reign.

Inspectors General shall prepare Dietary Table of Provisions for poor Prisoners, to be approved by the Judges of the King's Bench.

Dietary Table to be hung up in the Hall of the Prison.

Dietary Table may be altered.

VIII. And be it further enacted, That it shall and may be lawful for either of the Inspectors General of Prisons to alter or vary such Dietary Table from time to time, subject to the Approbation, Alteration or Amendment of the said Judges of His Majesty's Court of King's Bench in *Dublin*, or any One or more of them, from time to time; and thereupon such Table, when so altered and approved, shall be forthwith copied out by the said Local Inspector, and set up in the Place of any former Dietary Table, to be in every respect pursued and abided by until such Table shall be again duly altered as aforesaid.

Contracts for Food, &c. entered with Clerk of the Peace.

IX. And be it further enacted, That all Contracts for Supply of Food or other Necessaries for the Use of any Gaol, when approved of by the proper Authority, shall be entered into by such Contractors with the Clerks of the Peace in the several Counties, Counties of Cities and Counties of Towns respectively; and that it shall and may be lawful for any such Clerk of the Peace, under the Direction of the Grand Jury, to sue for the Breach of any such Contract.

'X. And

'X. And Whereas it will be advantageous to Prisoners, that a 'regulated System of Accounts of Provisions, and fixed Proportions of Fuel and other Allowances, should be established:' Be it therefore enacted, That a Book shall be kept in the Gaol of every County, County of a City or County of a Town, in *Ireland*, according to the Form in the Schedule marked (A.) to this Act annexed, or in some Form similar thereto, to be approved of by the Judges of His Majesty's Court of King's Bench in *Dublin*, or any One or more of them, and shall contain an accurate Daily Account of the Number of poor Prisoners confined within the Gaol, who are entitled to receive the Gaol Allowances, together with an Account of the several Articles of Food, Fuel or other Allowances issued to each Class within the Prisons during the Day; and such Book shall be compared with the Pass Books of each Contractor respectively, prior to any Payments made to any such Contractor, and shall be closed prior to every Assizes, in order that the Accounts may be examined by the Grand Jury of such County, County of a City or County of a Town, in order to ascertain that the Articles are issued in due Proportions as by Law established; and such Grand Jury shall thereupon make Presentment of a sufficient Sum for the Payment of the Amount.

Accounts of Provisions and other Allowances to be kept in Form required by Schedule (A.).

'XI. And Whereas it appears, that in many Gaols the poor 'Prisoners are not supplied with Prison Dresses, Beds, Bedding 'and other Necessaries under the Provisions of the said recited Act 'of the Fiftieth Year of His late Majesty's Reign, and that no 'Limit is assigned to each Gaol in respect to the Number of such 'Articles to be supplied in such Gaols respectively:' Be it therefore enacted, That it shall and may be lawful for either of the Inspectors General of Prisons to be appointed under this Act, with the Approbation of the Judges of His Majesty's Court of King's Bench in *Dublin*, or any One or more of them, to regulate and determine the Establishment at which each Gaol, Bridewell or other Prison shall be rated in respect to its Complement of Prisoners; and that it shall and may be lawful for any of the said Inspectors General of Prisons, at his or their annual Inspection of each Prison, to ascertain the Deficiencies of the said Prison Dresses, Beds, Bedding and other Articles, and to order a Supply of the same; and that the said Articles shall be preserved in the Stores of the several Local Inspectors, to be issued to such Prisoners as are entitled thereto, under the Provisions of the said recited Act of the Fiftieth Year of His late Majesty's Reign; and it shall and may be lawful for any such Local Inspector to present to the Collector of Excise in the District in which such Prison is situate, an Account of the Expence incurred by such Supplies of Deficiencies, certified by One of the Inspectors General of Prisons, according to Forms in the Schedules marked (B.) and (C.) annexed to this Act, or in any similar Form approved by the Judges of His Majesty's Court of King's Bench in *Dublin*, or any One or more of them; and such Collector of Excise is hereby required to administer an Oath to such Local Inspector of the Accuracy of such Account, and such Collector of Excise shall thereupon pay to the said Inspector the Amount of such Account out of any Public Monies in the Hands of such Collector of Excise; and the Grand Jury of such County, County of a City or County of a Town, shall and are hereby

Inspectors, with Approbation of Judges, to fix Establishment of Gaols,

and ascertain Deficiencies of Prison Dresses, Beds, &c. and order Supply.

Account of Expence certified to Collector of Excise, according to Forms in Schedules (B.) and (C.), who shall pay the same.

hereby required to make Presentment to the said Collector of Excise of the Amount of such Payments at the next succeeding Assizes.

Specified Articles of Bedding and Prison Dresses.

XII. And be it further enacted, That the Bedding to be allowed to poor Prisoners, under the said recited Act of the Fiftieth Year of His late Majesty's Reign, shall consist of Three single Blankets to each Bed, and that the Prison Dresses shall consist of a Cap, Jacket, Waistcoat, Trowsers and Shoes to Men, and a suitable Dress to Female Prisoners, with Shoes.

50 G.3. c.103. § 45.

'XIII. And Whereas by and under the Provisions of the said 'recited Act of the Fiftieth Year of the Reign of His late Majesty, 'it is among other Things enacted, that it shall and may be lawful 'for the Lord Lieutenant, or other Chief Governor or Governors of '*Ireland*, to appoint One Inspector General of Prisons in *Ireland*: 'And Whereas the said Inspector General of Prisons is, by the said 'Act, required to visit every Prison in *Ireland* once at least in every 'Two Years, as also every Madhouse, or Lunatic Asylum, and to 'report thereupon to the Lord Lieutenant and to Parliament: And 'Whereas the said Duties have been found too extensive and 'arduous for the Performance of One Officer, and it is necessary 'to provide more effectually for the due Execution of the same:'

Lord Lieutenant to appoint Two Inspectors General of Prisons.

Be it therefore enacted, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the time being, to nominate and appoint Two fit and proper Persons to be Inspectors General of Prisons in *Ireland*, removable at the Will and Pleasure of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for the time being, and such Two Persons shall perform all the Duties prescribed for the Inspector General of Prisons, under the said hereinbefore recited Act, and as directed by this Act.

Counties apportioned into Two Circuits, the Prisons of each shall be visited yearly by an Inspector General.

XIV. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to apportion the several Counties, Counties of Cities and Counties of Towns in *Ireland*, into Two Circuits, for the Purposes of this Act, and each of the said Inspectors General shall, once at the least in every Year, visit every Gaol, Bridewell, House of Correction, Penitentiary or other Prison, and every Madhouse and Place where Lunatics and Idiots are confined, for the Purpose of making an annual Inspection, and report upon the State thereof within One of the said Circuits respectively, alternately in each succeeding Year, so that every Gaol, Bridewell, House of Correction, Penitentiary, Madhouse and other Prison and Place as aforesaid, shall be visited and reported upon by each of the said Inspectors General once in every Two Years at the least.

Reports of Inspectors General to be laid before Grand Juries at Spring and Summer Assizes.

XV. And be it further enacted, That a Copy of the several Reports of each of the said Two Inspectors General shall be delivered by them to the Clerk of the Peace of each County, County of a City, or County of a Town, prior to the Spring Assizes in each Year, in order that the same may be laid before the Grand Juries of the Counties, Counties of Cities and Counties of Towns respectively, to which such Reports shall relate, at the several Spring and Summer Assizes; and every such Report shall contain an Account of each and every Gaol, Bridewell, House of Correction, Penitentiary or other Prison, and of every Madhouse and Place

Place where Idiots and Lunatics are confined within the said Counties, and Counties of Cities and Counties of Towns respectively; and it shall and may be lawful to and for the Collectors of Excise of the District in which such Counties, Counties of Cities or Counties of Towns as aforesaid may be situated, to pay, and the said Collector of Excise is hereby required to pay to the Inspector General for the Year, who shall make such Reports, a Sum of Twenty Pounds, which Sum shall be repaid to the said Collector of Excise by Presentment at the next ensuing Assizes, and the Grand Jury are hereby required to present the same accordingly.

Allowance of 20l. to Inspector General.

XVI. And be it further enacted, That each of the said Inspectors General to be appointed under this Act shall and may, in the Circuit which he shall annually make, exercise and possess all the Powers and perform all the Duties given and prescribed to the Inspector General of Prisons by the said recited Act of the Fiftieth Year of the Reign of His late Majesty.

Powers of Inspector General.

50 G.3. c.108.

XVII. And be it further enacted, That within Six Calendar Months after the passing of this Act, the several Inspectors General of Prisons, in *Ireland*, shall make out Lists of all Marshalseas, Penitentiary Houses, Gaols, Bridewells, Houses of Correction and all other Prisons in *Ireland*, of what Nature or Kind soever the same may be respectively, which shall contain an Account of the Establishment of Prisoners at which each Person is rated; and also of all Houses and Establishments for the Reception or Care of any Idiots or Lunatics within the Circuit of each such Inspector General, and whether the same be supported by any public Fund or Duty, or by any Charitable Fund, or by Subscription, or for Profit, or by any Two or more of the said Modes; and at the Foot of such Account each such Inspector General shall make Affidavit before the Lord Mayor of *Dublin*, that the same is a true, full and perfect List of all such Prisons, Houses and Establishments, as far as such Inspector General has been able to ascertain the same; and each such Inspector General shall forthwith, after making such Affidavits, deliver such List, so verified, to the Chief Clerk at the Civil Side of the Office of the Chief Secretary to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in the Castle of *Dublin*, to be there preserved, and copied into some proper Book for that Purpose; and a Copy of such Lists shall be laid before both Houses of Parliament.

Inspectors General to make out Lists of Prisons, &c. within their Circuit.

Lists verified before Lord Mayor of Dublin, and delivered to Chief Clerk of Chief Secretary.

XVIII. And be it further enacted, That on or before the Twentieth Day of *December* in each and every Year, each Inspector General of Prisons in *Ireland* for the time being shall in like manner make a Return at the said Office of such Chief Secretary in *Dublin*, setting forth each and every Alteration which shall have taken place within the Circuit of such Inspector General, with respect to all such Prisons and Establishments as aforesaid, since the last preceding Return; and if no Alteration shall have so taken place, then stating the same accordingly; and such Return shall be verified on Oath in like manner as aforesaid; and after every such Return in which any Alteration shall be set forth, a new List of all such Prisons and Houses as aforesaid, corrected according to such Return, shall be made so as that there shall be at all Times in the said Office a List of all such Prisons and Houses in *Ireland*, corrected according to such Returns respectively;

Yearly Returns of State of Prisons at Office of Chief Secretary, and thereupon a corrected List of Prisons laid before Parliament.

tively; and a Copy of all such Lists shall be from time to time laid before both Houses of Parliament.

Gaoler to Return State of Gaol yearly, in Form in Schedule (E.) and transmit same to Inspector General.

XIX. And be it further enacted, That on or within Three Days after the Twentieth Day of *November* in each and every Year, the Gaoler or Keeper of every Gaol, Prison, Bridewell or House of Correction in *Ireland*, shall make up a Return of the State of the Gaol, Prison, Bridewell or House of Correction, under his Charge, for the Year ending on such Twentieth Day of *November*, in the Form contained in the Schedule marked (E.) to this Act annexed; and shall transmit the same, or cause the same to be transmitted to One of the Inspectors General on or before the First Day of *December* following, to be by such Inspector General certified and transmitted, together with his Annual Report, and such Observations as he may judge necessary, to the Office of the Chief Secretary in *Dublin*.

Inspector General to visit every Prison, &c. once in Two Years.

XX. And be it further enacted, That from and after the passing of this Act, it shall be the bounden Duty of every such Inspector General to visit each and every such Prison, and each and every such House and Establishment, once in Two Years at the least, and to report thereon in manner required by the said recited Act of the Fiftieth Year of His late Majesty's Reign and this Act; and that each of the said Inspectors General shall receive such Salary as the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* shall appoint, not exceeding the Sum of Six hundred Pounds in the Year; which Salary shall be payable in Half Yearly Payments out of the Consolidated Fund of the United Kingdom arising in *Ireland*.

Salary.

Salary not paid to Inspector General till Certificate from Office of Chief Secretary.

XXI. Provided always, and be it enacted, That no Part of such Salary shall be paid to any such Inspector General, until he shall produce to the Officer who is to pay the same a Certificate signed by the Chief Clerk in the Office of the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, certifying that such Inspector General has before the Date of that Certificate delivered in to such Office a Statement of every Prison House or Establishment visited by him during the Period for which such Salary is claimed to be due to such Inspector, and that such Inspector General has satisfactorily discharged the Duties committed to him under this Act.

Inspectors General to inquire into Discipline of Prisons.

XXII. And be it further enacted, That it shall and may be lawful for the said Inspectors General, or either of them, from time to time, as they shall see fit, to visit any Gaol, Bridewell or other Prison in *Ireland*, and to examine concerning the due Performance of the Rules and Regulations in and by the said recited Act of the Fiftieth Year of His late Majesty's Reign prescribed and required to be observed in the Prisons throughout *Ireland*; and also concerning all Matters connected with the Discipline or Regularity thereof respectively, and to examine all Persons concerned therein, or holding any Office or Emolument therein, on Oath; and also to examine on Oath all Persons touching Matters concerning any such Gaol, Bridewell or other Prison; and it shall and may be lawful for either of the said Inspectors General, and they are hereby severally empowered, on Proof of Misconduct in any Officer of any such Gaol, Bridewell or other Prison, to suspend any such Officer misconducting himself, reporting such Suspension to the

Examination on Oath.

May suspend Officers, and report.

Chief

Chief Justice of the King's Bench, or to the Judge at the ensuing Assize, in order that such Chief Justice or Judge may give such Order thereon as he shall think proper.

False Return, Penalty 500l., and Loss of Office.

XXIII. And be it further enacted, That if any Inspector General of Prisons in *Ireland* shall in any List or Return required to be made by him, knowingly state any thing false, he shall forfeit a Sum of Five hundred Pounds, and be thenceforth incapable to hold the said Office, and shall lose and forfeit the same.

50 G.3. c.103. § 42.

'XXIV. And Whereas by the said recited Act of the Fiftieth 'Year of His late Majesty's Reign, it is among other things pro-'vided, that in every Appointment to be made of any Local In-'spector of any Gaol, the Minister or Curate of the Parish wherein 'such Gaol shall be situated shall be preferred;' Be it enacted, That the said recited Provision of the said recited Act shall be and the same is hereby repealed; and that, from and after the passing of this Act, it shall and may be lawful for every Grand Jury, in the making such Appointment, to select any Persons to be Local Inspectors, as to such Grand Jury shall seem most fit and proper to discharge the Duties of the said Office; provided always, that it may be lawful for the Grand Jury to appoint such Minister or Curate to be such Local Inspector, if such Grand Jury shall think such Minister or Curate to be a fit and proper Person for that Purpose.

Grand Jury to appoint Local Inspector.

When Chaplains appointed, Minister of Parish where Prison situate preferred.

XXV. And be it further enacted, That in all future Appointments of Protestant Chaplains to any Gaol, the Protestant Minister or Curate of the Parish wherein such Gaols shall be situated, and in all future Appointments of Roman Catholic or Dissenting Chaplains, the Clergyman or Curate of such Persuasion respectively, who shall Act within the Parish in which such Gaols respectively are situate, shall be preferred, if such Minister, Clergyman or Curate will accept such Appointment, and if there does not appear on Examination to be any just or reasonable Objection to such Minister, Curate or Clergyman as aforesaid.

Book kept in Prison, for Grand Jury Inspector, &c. to enter Observations.

XXVI. And be it further enacted, That from and after the passing of this Act in every Gaol, House of Correction, Marshalsea, Bridewell, Penitentiary House, Sheriff's Prison, and other Prison throughout *Ireland*, a Book shall be kept, and constantly remain therein, in order that any Three or more of the Grand Jury in Execution of this Act, and also the Local Inspector thereof, shall and may from time to time make and enter therein such Observations as they shall respectively think fit: and every Inspector, Chaplain, Physician, Surgeon or other Officer attending on, or required to attend on such Prison, shall in his Turn insert in such Book, in his own Handwriting, his Name, the Date of such Visit and Duty performed; and every Keeper of every such Prison shall be responsible for the safe Custody of such Book, and shall at all Times, when required so to do, produce the same for Inspection to the Grand Jury or any Member thereof, or to any Justice of the Peace of the County, County of a City or County of a Town, wherein such Prison shall be situate, without Fee or Reward.

Book produced for Inspection.

Appointments of Physicians, Surgeons and Apothecaries.

XXVII. And be it further enacted, That in the Appointments of Physicians, Surgeons and Apothecaries to any Gaols respectively, the attending Physicians, Surgeons and Apothecaries of the County Infirmary may be preferred, unless such Physician, Surgeon or Apothecary

Apothecary shall refuse to accept such Appointment, or unless it shall appear upon Examination that there exists any just or reasonable Objection to the Appointment of any such Physician, Surgeon or Apothecary, and provided that the said County Infirmary shall be situate within Three Miles of the Gaol to which such Appointments shall be respectively made; provided also, that such Physicians, Surgeons and Apothecaries so appointed, shall be subject to all the Rules and Regulations contained in this Act, as well as in the said recited Act of the Fiftieth Year of His late Majesty's Reign.

Subject to Rules of 50 G.3. c.103.

Presentments made for procuring Medicines, and for Payment to Apothecary.

XXVIII. And be it further enacted, That it shall and may be lawful for any Grand Jury, in Cases where it shall seem expedient so to do, to make Presentment of a Sum of Money for the Purpose of procuring Medicines and Drugs from Apothecaries' Hall in *Dublin*, for the Use of the Prisoners in any Gaol under the Direction of the Apothecary of such Gaol, and such Medicines shall be provided and accounted for by such Person or Persons as such Grand Jury shall direct and appoint; and in such case such Grand Jury shall make Presentment of such Sum of Money, to be paid to such Apothecary for his Attendance and Advice only, as such Grand Juries are by Law empowered to do, and not for any Sum or Sums of Money for the providing of any such Medicines or Drugs.

Grand Juries may appoint Matrons, &c. for Gaols, to be paid by Presentment.

XXIX. And be it further enacted, That it shall and may be lawful to and for every Grand Jury in *Ireland*, at any Assizes or Presenting Term respectively, and they are hereby required to appoint a Matron, and such inferior Female Attendant or Attendants as they shall deem necessary, for any County Prison within their respective Counties; and every such Matron and Attendant shall be paid such Salary as shall from time to time be fixed or agreed on by the Grand Jury with the Approbation of the Judge of Assize for that Purpose, the same to be raised by Presentment on the County, County of a City or County of a Town.

Grand Juries to appoint Houses of Correction in Prisons, and Keepers.

XXX. And be it further enacted, That it shall and may be lawful to and for the Grand Jury of a County, or County of a City or County of a Town, to appoint and appropriate such Parts of the several Gaols respectively, as such Grand Jury shall think fit, to be Houses of Correction for the Custody and Punishment of convicted Prisoners; and it shall and may be lawful for any Grand Jury in every such Case to appoint a Keeper or Governor of such House of Correction, with such Salary as to such Grand Jury shall seem meet; and every such Keeper or Governor of such House of Correction shall be subject and liable to, and shall obey and comply with, all the Rules and Regulations prescribed for Gaolers in and by the said recited Act of the Fiftieth Year of His late Majesty's Reign, and this Act: Provided always, that nothing in the said recited Act or this Act contained shall be construed to extend to prevent the Governor or Keeper of the House of Correction in any County, County of a City or County of a Town, from being appointed by the Sheriffs respectively to be the Keeper or Governor of the Common Gaols within their respective Jurisdictions.

50 G.3. c.108. Sheriffs may appoint Keepers of Gaols.

'XXXI. And Whereas many Bridewells now existing in various 'Parts of *Ireland* are unnecessary, and destitute of the Accom-

'modation required, as well in the Construction as in the Manage-
'ment thereof, and some Bridewells of the largest Class are
'rendered useless by the immediate Transmission of all Prisoners
'to the County Gaols, often to the inconvenient crowding of the
'same, and many such Bridewells are unprovided with the Furni-
'ture and Supplies required for Prisoners, according to Law;'
Be it therefore enacted, That within Three Calendar Months next after the passing of this Act, the Inspectors General of Prisons shall submit to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, a List of all the Bridewells therein; and it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, from time to time to order that any Bridewells shall be discontinued and shall no longer be used as a Bridewell, or House of Correction, or Prison; any Law, Usage or Custom to the contrary notwithstanding.

Lord Lieutenant may discontinue Bridewells.

XXXII. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to direct that such Bridewells as shall be continued shall be divided into Two Classes, and that One Class of the said Bridewells, to be selected by the Lord Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall be denominated District Bridewells, to each of which Bridewells a certain District within the County shall be allotted; and that all Prisoners committed within such District, either for Trial at, or under Sentence passed by the Court of Quarter Sessions, shall be kept and remain in such District Bridewell until discharged, and shall not be transmitted to the County Gaol; and it shall and may be lawful, in the Event of a crowded State of the County Gaol, on the Report of the Local Inspector thereof, for the Keeper of any such District Bridewell to detain therein any Prisoner committed for Trial at the Assizes for the County until within a reasonable Time prior to the Assizes.

District Bridewells appointed.

'XXXIII. And Whereas many Bridewells are situate at so
'great a Distance from the Gaol of the County, that it is im-
'possible that any Benefit can be derived to such Bridewells from
'the Inspectors and other Officers of such Gaols respectively;'
Be it enacted, That the officiating Clergyman of the Established Church of and in every Parish in *Ireland*, in which there shall be a Bridewell which shall be distant more than Three Miles from the Gaol of the County, shall be deemed and reputed to be, and is hereby made and declared to be the Inspector of such Bridewell; and it shall be lawful to and for such Clergyman to execute the Duty of directing and superintending, according to Law, the Supply of such Bridewell with Necessaries; and all poor Prisoners therein shall be supplied with such Necessaries in the same Manner, under the same Regulations, and out of the same Funds as poor Prisoners in the County Gaol.

Bridewells distant more than Three Miles from County Gaols shall be visited by officiating Clergyman of the Parish.

XXXIV. And be it further enacted, That no Prisoner shall be detained in any Bridewell, except in District Bridewells, selected as aforesaid, longer than Three Days from the Day of Committal, unless Two Justices of the Peace of the County, County of a City or County of a Town shall think proper to order that such Prisoner be longer detained for the Purposes of Examination, and then

Prisoners sent from Bridewells to County Gaols without Delay.

then only for the time mentioned in such Order, or any Renewal thereof; but that all such Prisoners shall be diligently transmitted to the County Gaol or District Bridewell, as the Case may be:

Detention where Bridewell is distant more than Twelve Miles.

Provided always, that if any such Bridewell shall be distant more than Twelve Miles from such County Gaol, then any such Prisoner may, if the Committing Magistrate shall so direct, by Order under his Hand, be detained in such Bridewell until the First Week in the Calendar Month next after such Committal, but not longer, so that all Prisoners committed in any One Calendar Month may be sent under One Escort.

'XXXV. And Whereas in many Bridewells Persons have been 'detained and discharged without any regular Committal, and 'no sufficient Record is kept of Committal or Discharge of Pri-'soners, and in many Bridewells no Allowance of Beds, Bedding, 'Food or Necessaries are provided;' Be it therefore enacted,

Returns from smaller Bridewells in the Form in Schedule (D.).

That a Return or Record shall be made and kept in every Bridewell in *Ireland*, not being a District Bridewell as aforesaid, in the Form in the Schedule to this Act annexed marked (D.), or in any other Form approved by the Judges of His Majesty's Court of King's Bench, or any One or more of them;

Copies preserved in the Bridewell.

One Copy of which Return or Record shall be preserved in such Bridewell, and Two Copies shall be transmitted for the Inspectors General of Prisons to the Office of the Chief Secretary to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in *Dublin* Castle, within Fourteen Days after the Thirty first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty first Day of *December* in each Year;

Copies thereof certified and produced by Inspector as herein mentioned.

and that One of the said Copies so transmitted for the Inspectors General of Prisons shall be returned by one of them to the Inspector or Keeper of such Bridewell, certified by such Inspectors General or One of them, and that such Copy so certified shall be produced by the Inspector or Keeper of such Bridewell to the Collector of Excise of the District in which such Bridewell shall be situated; and such Collector of Excise is hereby required to administer to such Inspector or Keeper an Oath to the Truth of such Account, and thereupon to pay to such Inspector or Keeper the Amount of the Expence so incurred and specified in such Account; and it shall be lawful for the Grand Jury of the County, and they are hereby required, on Production of such Account by such Collector of Excise at the next ensuing Assizes, to make Presentment for the Amount of such Account to be paid to such Collector of Excise.

Salary to Keepers of District and other Bridewells.

XXXVI. And be it further enacted, That it shall be lawful for the Grand Jury of every County, and they are hereby required to present for each Keeper of any District Bridewell a Salary of not less than Forty Pounds a Year, and for each Keeper of every other Bridewell a Salary of not less than Ten Pounds a Year; and One Half of such Salary shall be presented at each Assizes to be holden for each County.

Poor Prisoners kept to Work.

XXXVII. And be it further enacted, That the Keeper of any Prison in *Ireland* shall have full Power and Authority, and he is hereby required, when practicable, to keep every poor Prisoner in such Prison to Labour of such Kind as the said Divisional Justices

tices in *Dublin*, or the Grand Jury, or any Three or more Grand Jurymen, or, in their Default, any Three Justices of the Peace respectively, shall direct and appoint, by any Order to be made for that Purpose; and if the Work to be performed by any such poor Prisoner shall be of such a Nature as may require previous Instruction, proper Persons shall be provided to give the same by the like Order, to whom a suitable Allowance shall be made, to be paid by Presentment on such County, County of a City, or County of a Town.

Instructors provided.

XXXVIII. And be it further enacted, That from and after the passing of this Act, all Materials and Tools necessary for any such Work, and all Books and Teachers necessary for the learning of any Trade, as well as for the Instruction of every such poor Prisoner in reading and writing, shall be in like manner provided, and the Expence thereof raised by Presentment as aforesaid.

Materials, Tools, &c. provided.

XXXIX. And be it further enacted, That if any Person, in contravention of any existing Rules, shall carry or bring, or attempt or endeavour to carry or bring into any Prison in *Ireland* any Spirituous or Fermented Liquor, it shall be lawful for the Gaoler or Keeper to apprehend or cause to be apprehended such Offender, and to carry such Offender before a Justice of the Peace (who is hereby empowered to hear and determine such Offence in a summary Way), and if such Justice shall lawfully convict such Person of such Offence, he shall forthwith commit such Offender to the Common Gaol or House of Correction, there to be kept in Custody for any time not exceeding Three Months, without Bail or Mainprize, unless such Offender shall immediately pay down such Sum of Money, not exceeding Twenty Pounds and not less than Ten Pounds, as such Justice shall impose upon such Offender; to be paid, One Moiety to the Informer, and the other Moiety to the Inspector of such Prison, in aid of the Maintenance of such Prison; and if any Justice shall receive Information upon Oath that any Spirituous or Fermented Liquor is unlawfully kept or disposed of in any Prison, he may enter and search, or issue his Warrrant to enter and search for such Liquor, and in case any such Spirituous or Fermented Liquor shall be found, it shall be lawful for the Person so finding the same to seize the aame, and cause it to be disposed of as the Justice shall direct; and if any Gaoler or Keeper of any Prison shall sell, use, lend or give away, or knowingly permit or suffer to be sold, used, lent or given away in such Prison, or brought into the same, any Spirituous or Fermented Liquor, in contravention of the existing Rules of such Prison, he shall for every such Offence, over and above any other Punishment by this Act inflicted, forfeit and lose the Sum of Twenty Pounds.

Conveying Spirituous Liquors into Prisons.

Penalty.

Justice how to act upon Information on Oath.

Penalty, 20l.

XL. And be it further enacted, That in every Prison in *Ireland* an Account shall be kept by the Keeper of such Prison of the Profits of the Work of each poor Prisoner therein, and One Third of such Profit shall be for the Use of such poor Prisoner, and the other Two Thirds of such Profits shall be applied in and towards the Payment of and for the several Necessaries supplied to the Poor Prisoners in such Prison as therein provided, and the Balance

Poor Prisoner to have One Third of Earnings, Two Thirds applied to his Maintenance.

Balance only shall be paid from time to time out of the Funds herein directed in that behalf respectively.

'XLI. And Whereas it may hereafter be found expedient that 'new and additional Rules and Regulations for all Prisons, or for 'any particular Prison in *Ireland*, should from time to time be 'made, or that any Rules or Regulations established by the said 'recited Act of the Fiftieth Year of His said late Majesty's Reign, 'should be modified so as to meet Events or Exigencies which 'cannot now be foreseen;' Be it therefore enacted, That it shall and may be lawful for His Majesty's Court of Kings Bench in *Ireland*, if such Court shall think proper, to order, direct and ordain that any such Rules or Regulations shall be altered, or that any new Rules and Regulations shall be made and established for the better Government of Prisons and the Officers thereof, and the Provisions therein, and for the Classification and Distribution of Prisoners, and for the Separation of Male from Female Prisoners, and of Prisoners committed only for Trial from such Prisoners as shall have been convicted of Crimes and under the Sentence of Punishment, and generally either with respect to all Prisons, or to any Kind or Description of Prisons, or to any particular Prisons or Prison in *Ireland*, at the Discretion of such Court; and all such Rules, so altered or established, shall be of the same Force, Validity and Effect, but not otherwise, as if expressly enacted by the said recited Act or this Act, any thing in the said recited Act or in this Act to the contrary thereof in any wise notwithstanding; and it shall and may be lawful for His Majesty's Court of King's Bench, on Proof of Disobedience to such Rules and Regulations, or of any Misconduct on the Part of any Keeper or other Officer of any Prison, to dismiss such Keeper or other Officer so offending from his Office.

Court of King's Bench empowered to make new Rules and Regulations.

Force of such Rules.

Not obeying the same.

Dismissal.

'XLII. And Whereas it may often happen that Grand Juries 'and Jurymen will be necessarily occupied with Public Business of 'great Importance, both of a local and general Nature, so as to 'be thereby prevented from giving the requisite Attention to the 'Exercise of all the Powers vested in them, or the effectual Performance of the Duties required of them under the said recited 'Act of the Fiftieth Year of His late Majesty's Reign, and under 'the present Act;' Be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful for the Grand Jury of any County, County of a City or County of a Town in *Ireland*, (save and except the Grand Juries of the County of *Dublin*, and the County of the City of *Dublin*,) and any such Grand Jury are hereby authorized and empowered, if they shall think proper so to do, at each and every or any Assizes, with the Consent and Approbation of the Court or Judge at such Assizes, to appoint not less than Six nor more than Twelve Persons, One Third of whom at least shall be Justices of the Peace for the County, County of the City or County of a† Town, wherein such Appointment shall take place, or Members of the said Grand Jury, to be a Board of Superintendance of every Gaol, Bridewell, House of Correction or other Prison within such County, County of a City or County of a Town respectively, and being a Prison of such County, County of a City or Town; and that it shall and may be lawful

Grand Juries (except in Dublin) may appoint not less than Six nor more than Twelve Persons, One Third being Justices or Grand Jurymen, to be a Board of Superintendance of Gaols within the County.

† *Sic.*

lawful for the Grand Jury, at any subsequent Assizes for any such County, County of a City or County of a Town, to appoint other Persons to compose a new Board of Superintendance, as the Case may require, or to remove any Member or Members of the existing Board, or to appoint so many new Members of any such existing Board, as they shall think proper, but so as that there shall not at any time be more than Twelve Members of any such Board; and any Three or more of such Board of Superintendance, One of whom at the least shall be a Justice of the Peace, shall be in all Cases competent to do and perform any Matter or Thing whatsoever, in execution of any Duty required by this Act to be done and performed by the Grand Jury of such County or County of a City or Town, or by any Three or more of such Grand Jury, in the visiting, superintending and directing of any Gaol, Bridewell or House of Correction, or any other County Prison within such County, or County of a City or County of a Town, and in all other respects whatever relating to any such Gaol, House of Correction or County Prison, and to the Gaoler and Officers thereof, and to the Prisoners therein, as such Grand Jury or any Three of them could or might lawfully do; and every such Act shall be deemed and taken to be, and shall be described and expressed, as the Act of the whole Board of Superintendance, and shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same had been done by such Grand Jury or any Three of them, under the express Provisions of this Act.

Three to be a Quorum, One being a Justice; Acts valid as if done by Grand Jury.

XLIII. And be it further enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of His Majesty's Privy Council in *Ireland*, from time to time, to make such Rules, Orders and Regulations as shall appear to the said Lord Lieutenant and the Privy Council to be requisite and necessary for the Management and Regulation of the *Smithfield* Penitentiary and of the *Richmond* Bridewell in *Dublin*, and for the Appointment of the Gaolers, Keepers and all other Officers of the said Penitentiary and Bridewell respectively; and such Prisoners only shall be committed to and confined in the said Penitentiary and Bridewell respectively, as shall be specified and directed in and by such Rules, Orders and Regulations; and such Rules, Orders and Regulations may be from time to time altered and amended in like manner, and also that it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of the said Privy Council, from time to time, to make such Rules, Orders or Regulations, as shall appear to the said Lord Lieutenant and Privy Council to be necessary for the Classification and Separation of all Prisoners in any Prisons within the County of *Dublin*, and the County of the City of *Dublin*, by allotting and appointing the said several Prisons for the Custody of One or more Class or Classes of Prisoners, and by directing what Class or Classes of Prisoners respectively shall be committed or removed to *Newgate*, what Class or Classes of Prisoners shall be committed or removed to the *Smithfield* Penitentiary, and what Class or Classes of Prisoners shall be committed or removed to the *Richmond* Bridewell; and such Prisoners only shall in future be committed or removed to

Lord Lieutenant may make Orders for Regulation of Smithfield Penitentiary and Richmond Bridewell, and for Classification of Prisoners.

Particulars of such Orders.

and

and confined in the said Gaol of *Newgate*, and the said Penitentiary and Bridewell respectively, as shall be specified and directed in and by such Rules, Orders and Regulations; and such Rules, Orders and Regulations may be from time to time altered and amended by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the said Privy Council.

Altered and amended by Lord Lieutenant in Council.

XLIV. And be it further enacted, That it shall and may be lawful for the Sheriffs of the City of *Dublin*, and for the Keepers of the Gaol of *Newgate* in the said City, and for the Keepers of the said *Smithfield* Penitentiary and *Richmond* Bridewell, from time to time to receive into their Custody any Prisoner or Prisoners committed or removed to the said Gaol, Penitentiary or Bridewell respectively, and also to remove any Prisoners in the said Gaol of *Newgate*, or in the said Penitentiary or Bridewell respectively, from any one of the said Prisons respectively, into any other of the said Prisons, pursuant to any Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the said Privy Council, made pursuant to this Act, and no such Removal shall be construed to be an Escape; and all such Prisoners shall and may be lawfully detained in such Gaol, Penitentiary or Bridewell, to which they shall be committed or removed in pursuance of such Orders, and shall be deemed in the proper Custody; any Law, Usage or Custom to the contrary notwithstanding.

Prisoners may be received into Newgate, Smithfield Penitentiary and Richmond Bridewell, and removed as Lord Lieutenant in Council shall direct.

XLV. And be it further enacted, That an Account of the Amount of the Expence of the supporting of all and every Prisoner or Prisoners in the Custody of the Sheriff of the City of *Dublin*, who in pursuance of this Act shall be committed to the said Penitentiary or Bridewell, shall be laid before the Grand Jury of the City of *Dublin* at every presenting Term, by the proper Officers of such Penitentiary or Bridewell, the Statement of such Amount being first approved by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or in the Absence of such Chief Secretary, by the Under Secretary; and that an Account of the Amount of the Expence of supporting all and every Prisoner or Prisoners, who in pursuance of this Act shall be committed to the said Gaol of *Newgate*, instead of being committed as heretofore to the said Penitentiary or Bridewell, shall be transmitted to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, Three Days before every presenting Term, by the Sheriff of the said City of *Dublin*, and shall be laid before the Grand Jury at such presenting Terms respectively; and that if on the Balance of such Accounts it shall appear that the Expence incurred for such Prisoners, maintained in the said Penitentiary and Bridewell, shall exceed the Expence of such Prisoners maintained in the said Gaol of *Newgate*, the Grand Jury at every such presenting Term shall make a Presentment for the Amount of such Excess, and the same, when levied, shall be paid by the Treasurer of the said City to the Treasurer or proper Officer of such Penitentiary and Bridewell, in such Proportions as shall be directed by Warrant under the Hand of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and if on the

Expence of Maintenance of Prisoners in Penitentiary or Bridewell, before whom laid,

and of Prisoners in Newgate.

Excess of expence of Penitentiary or Bridewell.

Proceedings.

Balance of such Account it shall appear, that the Expence incurred for such Prisoners maintained in the said Gaol of *Newgate* shall exceed the Expence of such Prisoners maintained in the said Penitentiary and Bridewell, the Grand Jury shall declare the Amount of such Excess, and the same shall be paid to the Treasurer of the said City by the proper Officer of such Penitentiary and Bridewell, or either of them, in such Manner and in such Proportions as shall be directed by the Warrant of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the time being.

Excess of Expence of Newgate.

Proceedings.

XLVI. And be it further enacted, That from and after the passing of this Act, whenever any Person shall be lawfully convicted before any Court, or Judge or Justice of the Peace, of any Offence, and shall be punishable by Imprisonment, it shall and may be lawful for such Court or Judge or Justice to sentence such Offender to be confined in any Penitentiary House within the County, County of a City or County of a Town, where such Offender shall be convicted; and such Offender shall and may be committed to and detained in such Penitentiary House accordingly, any Law, Usage or Custom to the contrary notwithstanding; and in all cases, where any one Penitentiary House shall have been or shall be built, repaired or enlarged at the joint Expence of any Two Counties, or Counties of Cities or Counties of Towns, it shall and may be lawful for the Court of Justice before whom any Offender shall be convicted, in either of the said Counties or Counties of Cities or Towns of any Offence, and shall be punishable by Imprisonment, to sentence such Offender to be confined in such Penitentiary House, although such Penitentiary House may not be locally situated within the County, County of a City or County of a Town, within which such Offender shall be convicted; and such Offender shall and may be committed to and detained in such Penitentiary House accordingly; any Law, Usage or Custom to the contrary notwithstanding.

Offenders may be committed to any Penitentiary House within the County.

Where One Penitentiary for Two Counties, Offender committed though Conviction not in County where Penitentiary situated.

'XLVII. And Whereas great Evils arise from the Detention 'in County Gaols of Convicts sentenced to Transportation;' Be it therefore enacted, That for each County a particular Depôt shall be named by the Lord Lieutenant, or Chief Governor or Governors of *Ireland*, to which all Prisoners convicted and sentenced to Transportation shall be transmitted with all possible Expedition; and it shall and may be lawful for the Inspector of the County Gaol, on the Day of such Transmission, to take into the Stores of the Gaol all Prison Dresses belonging to the said Convicts, and to issue to such Convicts new Dresses, an Account of the Amount of the Costs of which shall be delivered by such Inspector to the Collector of Excise of the District in which such Gaol shall be situated, upon Oath; and thereupon it shall be lawful for such Collector of Excise to pay such Amount to such Inspector out of any Public Monies in the Hands of such Collector of Excise.

A Depôt appointed in every County, to which Convicts for Transportation transmitted.

New Dresses for such Convicts.

'XLVIII. And Whereas by the said hereinbefore recited Act 'of the Fiftieth Year of the Reign of His said late Majesty, it is 'among other things provided, that it shall be lawful for the 'Commissioners for building or enlarging Gaols or other Prisons 'therein mentioned, or any Three or more of them, to issue their

50 G. 3. c. 103. § 18.

'Warrants or Precepts for impannelling Juries for the Valuation 'of Lands or Tenements necessary for such Purpose, to the 'Sheriff of the County, County of a City or County of a Town, to 'return a sufficient Pannel: And Whereas Lands and Tenements 'have been from time to time purchased under Valuations made 'by such Juries; but Doubts have in some Instances arisen as to 'the Sheriff to whom such Precept ought to have been directed, 'and it is expedient that such Valuations and Purchases should be 'established, and such Doubts prevented for the future;' Be it therefore enacted, That the Title to any Lands, Grounds, Houses, Tenements or Buildings, heretofore purchased under the Provisions of the said recited Act, for any of the Purposes therein mentioned, shall be and be considered good, valid and effectual to all Intents and Purposes whatsoever, notwithstanding any Objection that may arise or be made thereto on account of any Warrant or Precept of any such Commissioners having been directed to a Sheriff to whom any such Warrant or Precept ought not to have been directed, and notwithstanding any Error that may have arisen from or by reason of such Misdirection in any of the subsequent Proceedings; and that from and after the passing of this Act, in all cases wherein any such Commissioners shall proceed to require a Jury to be impannelled under the said recited Act, for any of the Purposes therein mentioned, the Warrant or Precept for that Purpose shall be directed to the Sheriff of the County, County of a City or a County of a Town, wherein the Land, Ground, Tenements or Hereditaments so to be purchased respectively shall be situate: Provided always, that if such Prison shall belong to a County at large, and shall be situate or intended to be built within any County, County of a City or County of a Town, and the Lands, Grounds, Tenements or Hereditaments to be purchased shall be the Estate of or belonging to the Corporation of such County of a City or County of a Town, or to any Corporation within the same, then and in every such case such Precepts shall be directed to the Sheriff of such County at large.

Title to Lands purchased under Valuations by Juries summoned under Warrants, though improperly directed, declared valid;

such Warrants in future directed to Sheriff of County where Lands lie.

Exception as to Lands belonging to a Town Corporate where a County Gaol is to be built.

XLIX. And be it further enacted, That from and after the passing of this Act, no new Goal, Bridewell, House of Correction or other Prison, shall be erected in any County, County of a City or County of a Town, in *Ireland*, without the Consent and Approbation of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for that Purpose first had and obtained; such Consent and Approbation to be signified by the Chief Secretary or Under Secretary of such Lord Lieutenant, or other Chief Governor or Governors for the time being.

No Gaol to be built without Consent of Lord Lieutenant.

L. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for the Grand Jury of any County, County of a City, or County of a Town, in *Ireland*, to present any Sum or Sums of Money to be raised for the repairing or enlarging of, or for the making any Addition to any Gaol, Bridewell, House of Correction or other Prison, in *Ireland*, and to direct that such Presentment shall be raised by Half Yearly or Yearly Sums or Instalments, in like manner as Grand Juries are by the said recited Act of the Fiftieth Year of His late Majesty's Reign authorized to do, for the building of any new Gaol, Bridewell, House of Correction or other Prison; and that as soon as

Presentments may be made for repairing or enlarging Gaols.

any such Presentment shall be made, or at any time after the making of such Presentment, and before the Completion of such Work, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for the time being, if he or they think proper so to do, to cause such Advances to be made out of the Consolidated Fund to the Treasurer of such County, County of a City or County of a Town, on the Faith of such Presentment, as by the said recited Act are authorized with respect to Advances on the Faith of Presentments made for the building any new Gaol, Bridewell, House of Correction or other Prison; and it shall be lawful for any Person or Persons to advance any Sum or Sums on the Faith of such Presentment, and all such Advances shall be made, and shall be applied and repaid in such Manner, and under such Rules, Regulations and Directions in all respects, as are contained in the said recited Act with respect to Advances authorized to be made by the said recited Act, in case of Presentments for building any new Gaol, Bridewell, House of Correction or other Prison.

Lord Lieutenant may order Advances out of Consolidated Fund to Treasurer of County.

Advances of Money on Faith of Presentments.

LI. And be it further enacted, That there shall be hung up in a conspicuous manner in the Chapels and Day Rooms of each and every Prison in *Ireland*, a Notice in the following Words; *videlicet*.

Notice put up in Prisons that Fees abolished.

'NOTICE is hereby given, that all Prison Fees whatsoever are 'abolished by Act of Parliament; and any Gaoler, Turnkey, 'Clerk of the Crown, Clerk of the Peace or his or their Deputy or 'Deputies, or other Officer, taking or demanding any Fee, Gra- 'tuity or Reward, is thereby subject to a Penalty of Five Pounds; 'and that the Abolition of such Fees extends to Persons confined 'for Debt.'

LII. Provided always, and be it further enacted, That all the Acts and Duties to be performed by the several Grand Juries at the Assizes under this Act, may in the County of *Dublin* and County of the City of *Dublin*, be performed by the Grand Juries at the presenting Terms, duly met and impannelled.

Proviso as to Grand Juries in Dublin.

LIII. Provided always, and be it enacted, That nothing in this Act before contained shall extend to the Marshalsea of the Four Courts of the City of *Dublin*, nor to the Marshalsea of the City of *Dublin*; save and except such Enactments as provide for the Dresses, Diet and Furniture of the poor Prisoners.

Proviso for Marshalsea Courts.

LIV. And be it further enacted, That this Act may be altered, amended or repealed within this present Session of Parliament.

Act may be altered, &c. this Session.

SCHEDULE (A.)

INSTRUCTIONS to be prefixed to the PROVISION BOOK of every Gaol.

The Grand Jury of each County will determine from the Three Descriptions of Dietary, detailed in the Provision Book, which may be most suitable to the Circumstances of the County; and such Dietary is to be posted up in some conspicuous Part of the Prison, and used throughout the Gaol. The Columns under the Head of the Two other Dietary Tables will of course remain Blank.

A Pass Book is to be kept with the Contractors for each Article of Provision consumed in the Gaol, in which the Amount of Quantity of each Article is to be entered as it is supplied. When a Payment is to be made, the Provision Book and Pass Books are to be made up, to ascertain that the Quantity used of each Article, together with the Quantity in Store, corresponds with the Quantity laid in, and with the regulated Allowances. The Blank Columns at the End of the Account are intended for any extra Supplies, as where Turf is used as Fuel, or under any other extra Circumstances.

When any Man is placed on Diet below the regulated one, his Allowance of each Article composing the usual Diet will make a Deduction in the Column in which the Amount of that Article is stated; this Deduction from the regular Calculation will be explained by a N. B. at the Foot of the Account for the Day; as for Example "N.B. One Man on Bread and Water."

In the Line of "Brought forward" in the Abstract Account, is to be inserted the Total Issue, from the Day of last Settlement of the Books.

I [*or* we] approve the Regulations contained in this Book,
Dublin, 1822.

{Judge *or* Judges of the Court of King's Bench.

SCHE-

Schedule (A.) *continued.* — Gaol. — Daily Return of Prisoners and Supplies.

| Number of Class. | | |

Schedule (A.) *continued.*—Abstract of Daily Consumption.

——	Meal for Stirabout.		Sweet Milk.			Butter Milk.			Beef.		Mutton.		Bread.		Potatoes, lbs.	Coals.			Turf.		Straw.		
	lbs.	Oz.	Gallons.	Quarts.	Pints.	Gallons.	Quarts.	Pints.	lbs.	Oz.	lbs.	Oz.	lbs.	Oz.		Tons.	Barrels.	Bushels.			Cwts.	Quarters.	lbs.
Issued this Day - -																							
Brought forward - -																							

SCHEDULE (B.)

ANNUAL INSPECTION RETURN of Bedding, &c.— Gaol.

No. of Class.	Rated Number of Prisoners.	Blankets.		Prison Dresses.		Iron Bedsteads or equivalent.		Bed Tickens.	
		In Store.	Deficient.	In Store.	Deficient.	In Store.	Deficient.	In Store.	Deficient.
1. - - -									
2. - - -									
3. - - -									
4. - - -									
5. - - -									
6. - - -									
7. - - -									
8. - - -									
9. - - -									
10. - - -									
Hospital - -									
Total -									

I, Inspector General of Prisons, do certify, That I have inspected the Bedding, Clothing and Furniture of the different Classes in the Gaol of and that the following Articles appear to be deficient from unavoidable Wear and Tear since last Inspection; viz. Blankets, Bedsteads, Prison Dresses, Bed Tickens; I do therefore direct the Local Inspector of the said Gaol to provide such deficient Articles, at reasonable Prices, and to furnish an Account of the Expence thereof to the Collector of Excise at , pursuant to an Act made in the Third Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act.*]

Inspector General of Prisons.

SCHEDULE (C.)

ANNUAL RETURN of Articles supplied for Gaols, as ordered by the Inspector General of Prisons.

Description of Articles.	From whom purchased.	No. of Articles.	Amount of each.	Total Amount.	
				£. s. d.	
Blankets - - -					
Bed Tickens - -					
Prison Dresses - -					
Bedsteads - - -					
Cots - - - -					
Total Amount - - - £.					

A. B. Local Inspector of the Gaol at came before me this Day, and made Oath, that the Articles above stated are a true Account of Articles ordered by the Inspector General of Prisons, for the Use of the said Gaol, pursuant to an Act made in the Third Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act,*] and that the same were laid in on the best practicable Terms, and are charged at Cost Prices, and that no Profit is made on the Purchase thereof by him, or by any other Person for his Use.

Sworn before me this Day of

} Collector of Excise.

SCHEDULE (D.)

QUARTERLY RETURN of Prisoners in Bridewell, for the Quarter ending

Prisoners' Names.	Whether able to support themselves, or poor Prisoners.	By whom committed.	Date of Committal.	By what written Authority or Document committed.	Crime for which committed.	By whom discharged.	Date of Discharge.	Whether forwarded to any, or what Gaol.	Number of Nights confined.	Amount paid for Subsistence.

SCHEDULE

FORM of Annual Return

1. Number of Prisoners the Prison is capable of containing in separate Sleeping Cells.	2. Number of Prisoners the Prison is capable of containing where more than One Prisoner sleeps in One Cell.	3. Total Number of Prisoners.		4. Number of Debtors.		5. Number of Misdemeanants.		6. Number of Felons.		7. Number of Prisoners committed in the Course of the Year.	8. Number of Tried Prisoners.		9. Number of Untried Prisoners.		10. Number of Prisoners above 17 Years of Age.		11. Number of Prisoners under 17 Years of Age.	
		Mich. 18	Mich. 18	Male.	Female.	Male.	Female.	Male.	Female.		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.

Note.—The Total of the Columns 4, 5, and of Column No. 3.; and the Aggregate

19.— Whether Common Gaol, House of Correcti

20.— Under whose Jurisdiction and Superintende

21.— Number of Officers, and how appointed?

22.— Number of Classes, Wards or Divisions, Work Rooms, Day Rooms and Airing Yards; and whether the same can be extended or increased?

23.— Dietary or other Weekly Allowance, and Weekly Cost per Head?

24.— Allowance of Clothing and Bedding, and Cost per Head?

25.— Description of Employment and hard Labour?

26.— Hours of Labour and of Exercise?

27.— Amount of Earnings, how applied, and in what Proportion, to each Class of Prisoners, to the Officers of the Prison, and to the Fund applicable to the Maintenance of the said Prison?

28.— Whether the Classification required by this Act has been observed?— If not, for what Reasons, and what Measures have been taken to remedy this Defect?

29.— What Duties are performed by the Chaplain, what Provision made for Instruction, and whether Prisoners are supplied with Bibles and other Books?

30.— Attendance of the Surgeon; and whether separate Buildings or Apartments are provided for the Sick?

— (E.)
to the Chief Secretary.

CAP. LXV.

An Act to continue, until the Fifth Day of *July* One thousand eight hundred and twenty three, an Act of the Fifty ninth Year of His late Majesty, for rendering the growing Produce of the Consolidated Fund of the United Kingdom, arising in *Great Britain*, available for the Public Service.

[22d *July* 1822.]

" 59 G. 3. c. 19. continued by 1 G. 4. c. 44. and by 1 & 2 G. 4. c. 95.
" — First recited Act further continued.

CAP. LXVI.

An Act for authorizing the Commissioners for the Reduction of the National Debt to discharge the Exchequer Bills issued to pay the Proprietors of Five Pounds *per Centum* Annuities, who dissented from receiving Four Pounds *per Centum* Annuities in lieu thereof. [22d *July* 1822.]

'WHEREAS Provision has been made by Parliament for paying off and discharging such of the Proprietors of Five Pounds *per Centum* Annuities as have dissented from accepting Four Pounds *per Centum* Annuities in lieu thereof, and the Bank of *England* have made Advances of certain Sums of Money, upon the Security of Exchequer Bills charged upon the Aids or Supplies of One thousand eight hundred and twenty three, towards paying off such Proprietors of Five Pounds *per Centum* Annuities; and it is expedient that Provision should be made for Paying out of the Sinking Fund a Sum equal to the Principal of the Five Pounds *per Centum* Annuities so paid off;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and twenty two, there shall be applied out of the Sinking Fund the Quarterly Sum of Three hundred and forty thousand Pounds, which Quarterly Sum the Commissioners for the Reduction of the National Debt shall order and direct their Agent to pay to the Governor and Company of the Bank of *England*, the First Quarterly Payment whereof shall commence at the Tenth Day of *October* One thousand eight hundred and Twenty two, in Discharge of the principal Amount of Exchequer Bills placed in the Hands of the said Governor and Company as a Security for the Sums advanced and paid to the Proprietors of Five Pounds *per Centum* Annuities, until the Whole of the Principal Sum so advanced shall be repaid; and that immediately upon any Payment being made, Exchequer Bills to the Amount of such Payment shall be delivered up by the said Governor and Company to the Paymasters of Exchequer Bills, to be cancelled, who shall thereupon issue and pay to the said Governor and Company Interest upon the said Exchequer Bills from the Day of their Date to the Day upon which the Commissioners for the Reduction of the National Debt shall have paid the principal Amount contained in such Exchequer Bills;

The Quarterly Sum of 340,000l. to be applied out of the Sinking Fund in discharge of Exchequer Bills placed as a Security for Money advanced to Proprietors of 5l. per Cents.

Bills cancelled as paid off.

Bills; and from and after the Payment and Discharge of the Whole of the principal Money advanced by the said Governor and Company upon such Exchequer Bills, the Commissioners for the Reduction of the National Debt shall cause to be paid into the Exchequer such a further Sum or Sums of Money as may be equal to the Difference between the Sum or Sums of Money advanced by the said Governor and Company upon the Security of such Exchequer Bills, and the Sum or Sums of Money which may be paid to the Proprietors of such Five Pounds *per Centum* Annuities in Discharge of the Principal of such Annuities, and the said Sum or Sums of Money so to be paid into the Exchequer shall be applied towards any Aids or Supplies granted to His Majesty in the present Session of Parliament.

Commissioners to pay into Exchequer further Sum equal to Difference between Money advanced by Bank and Money paid to Proprietors of Five per Cents.

CAP. LXVII.

An Act to repeal so much of the Excise Licences' Act of the present Session as regards the carrying on of Trade in more than One Place. [22d *July* 1822.]

'WHEREAS by an Act made in this present Session of Parliament, intituled *An Act to amend and continue, until the Fifth Day of* July *One thousand eight hundred and twenty six, so much of an Act made in the Fifty fifth Year of his late Majesty as relates to additional Duties of Excise in* Great Britain *on Excise Licences*, it is declared, that as Doubts had arisen whether any of the Persons therein mentioned, being a Person required by Law to make Entry at an Office of Excise of the Place in which he, she or they carries or carry on his, her or their Trade or Business, and to whom any such Licence as aforesaid is granted for that Purpose, is or are thereby authorized and empowered to make or manufacture, deal in, retail or sell any of the Commodities hereinbefore mentioned at more than One Place; and it is expedient to remove such Doubts; Be it therefore declared and enacted, that no One Licence which shall be granted by virtue of any Act or Acts of Parliament relating to His Majesty's Revenue of Excise shall authorize or empower any Person or Persons required by Law to make such Entry as aforesaid, to make or manufacture, deal in, retail or sell any Commodity mentioned in such Licence at more than one Place, or in any House, Building or Premises, other than the House, Building or Premises, or the contiguous or adjoining Houses, Buildings or Premises situated at such Place, and held together for the same Purpose or Manufacture, and whereof he, she or they shall have made such lawful Entry, and wherein he, she or they shall make or manufacture, deal in, retail or sell such Commodity at the Time of the granting such Licence: Provided always, that when the Amount or Rate of any such Licence shall depend upon the Quantity of Goods made or manufactured by the Person or Persons to whom the same is to be granted, such Quantity shall be computed from only the respective Goods made or manufactured by such Person, or Persons at the Place or Premises in respect of which such Licence is granted, and shall not include Goods made or manufactured by such Person or Persons, at any other Place or Premises: And Whereas it is expedient that so much of the recited

c. 27. ante, § 2.

'Act

So much of recited Act as enacts that no One Licence should authorize the carrying on Trade in more than One Place, repealed.

'Act should be repealed;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act shall be and the same is hereby declared to be repealed and null and void to all Intents and Purposes whatsoever.

CAP. LXVIII.

An Act to provide for the Charge of the Addition to the Public Funded Debt of *Great Britain* and *Ireland*, for defraying the Expence of Military and Naval Pensions and Civil Superannuations. [22d *July* 1822.]

53 G. 3. c. 35. § 1.

'WHEREAS by an Act passed in the Fifty third Year of the 'Reign of His late Majesty King *George* the Third, intituled *An Act to alter and amend several Acts passed in His present Majesty's Reign relating to the Redemption of the National Debt, and for making further Provisions in respect thereof*, it was enacted and declared, that for the Purposes of the said Act, an Amount of Public Debt, equal to the whole Capital of the Public Debt in perpetual redeemable Annuities existing on the Fifth Day of *January* One thousand seven hundred and eighty six, should be deemed to be satisfied and discharged, and so much of the Capital Stock so purchased and transferred as therein mentioned, and standing in the Names of the Commissioners for the Reduction of the National Debt in the Books of the Governor and Company of the Bank of *England*, as Parliament by any Act or Acts of the said Session should or might direct, should be cancelled in like manner as if the same had been transferred to the said Commissioners for the Redemption of Land Tax, pursuant to the Provisions of the several Acts thereunto relating, in order to make Provision for the Charge of any Addition to be made to the Public Funded Debt of *Great Britain* by Way of Loan, or in any other manner, for the Service of the Year One thousand eight hundred and thirteen; and that when and so soon as such a further Amount of the Capital Funded Debt of *Great Britain* should have been purchased by the said Commissioners, or transferred to them for the Redemption of Land Tax, or the Purchase of Life Annuities, as, together with the Amount so already purchased or transferred as aforesaid, should have produced an Interest or yearly Dividend equal in Amount to the whole Annual Charge in perpetual redeemable Annuities of the Public Debt of *Great Britain* existing on the Fifth Day of *January* One thousand seven hundred and eighty six, the said Commissioners should thereupon certify and declare the same to the Lord High Treasurer, or Commissioners of the Treasury for the time being, who should cause the said Certificate and Declaration to be published in the *London Gazette*, and to be laid before Parliament if Parliament should be then sitting), but if Parliament should not be then sitting, then within Fourteen Days after the next Meeting of Parliament, and so from time to time, whenever such a further Amount of the Capital Funded

'Debt

'Debt of *Great Britain* should have been purchased or transferred as aforesaid as should be equal to the whole Capital, and 'should have produced an Interest or Yearly Dividend equal in 'Amount to the whole annual Charge in perpetual Redeemable 'Annuities of each Loan contracted since the said Fifth Day of '*January* One thousand seven hundred and eighty six, the said 'Commissioners should from time to time thereupon, in like manner, certify and declare the same to the Lord High Treasurer 'or Commissioners of the Treasury for the time being, who should 'in like manner cause every such Certificate and Declaration to 'be published in the *London Gazette*, and to be laid before Parliament; and whenever any such Certificate and Declaration 'should have been so made, published and laid before Parliament 'as aforesaid, the Amount of Public Debts to which such Certificate and Declaration should relate, should, from time to time, 'be deemed and taken to be wholly satisfied and discharged, and 'an equal Amount of Capital Stock standing in the Names of 'the said Commissioners in the Books of the Governor and Company of the Bank of *England*, or of the *South Sea* Company, 'should be considered to be redeemed by Parliament, and should 'from time to time be cancelled as above mentioned, at such 'times and in such Proportions as should be directed by any Act 'or Acts of Parliament to be passed for that Purpose, in order to 'make Provision for the Charge of any Addition to be made to 'the Public Funded Debt of *Great Britain*, by way of Loan, or 'in any other manner; and it was thereby further enacted, that § 5. 'whenever the Amount of the Sum to be raised by way of Loan, 'or in any other manner, which might create an Addition to 'the Public Funded Debt of *Great Britain*, in that of any future 'Year, should exceed the Sum which on the First Day of *February* 'should have been or should be estimated to be applicable in the 'same Year to the Reduction of the National Debt, then and in 'every such case an annual Sum amounting to the One hundredth 'Part of the Capital Stock created by so much only of the Monies 'raised by way of Loan, or in any other manner as aforesaid in the 'Year, as should be equal to the Sum so estimated to be applicable to the Reduction of the National Debt within the same 'Year, should be issued at the Receipt of the Exchequer to the 'account of the said Commissioners in the manner directed by the 'said therein recited Act of the Thirty second Year of His present 'Majesty; and with respect to the Excess of the Monies which 'might be so raised in any Year by way of Loan, or in any other 'manner as aforesaid, above the estimated Sum applicable to the 'Reduction of the National Debt within the same Year, such an 'annual Sum as should be equal to one Half of the Interest of such 'Excess should be set apart out of the Monies composing the 'Consolidated Fund, and should in like manner be issued at the 'Receipt of the Exchequer to the Governor and Company of the 'Bank of *England*, to be by them placed to the Account of the 'said Commissioners: And Whereas the Sum which on the First 'Day of *February* One thousand eight hundred and twenty two 'was estimated to be applicable in the present Year to the Reduction of the National Debt, amounted to Sixteen millions four 'hundred and eighty one thousand four hundred and ninety two

'Pounds:

c. 51. ante.

'Pounds: And Whereas an Act was passed in the present Session 'of Parliament, intituled *An Act for apportioning the Burthen 'occasioned by the Military and Naval Pensions and Civil Super- 'annuations, by vesting an equal Annuity in Trustees for the Pay- 'ment thereof:* And Whereas the Charge occasioned by the said Act will Amount to the annual Sum of Two millions eight hun- 'dred thousand Pounds: And Whereas it is expedient to make 'Provision for such Charge in the manner directed by the said first 'recited Act:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Sums of Sixty four millions one hundred and sixty nine thousand Pounds Three Pounds *per Centum* Reduced Annuities, of Seven millions one hundred and eleven thousand six hundred Pounds Three Pounds *per Centum* Old *South Sea* Annuities, of Five millions seventy eight thousand Pounds Three Pounds Ten Shillings *per Centum* Bank Annuities, standing in the Names of the Commissioners for the Reduction of the National Debt, shall, from and after the Fifth Day of *April* One thousand eight hundred and twenty two, be cancelled, and the Sums of Fourteen millions six hundred and fifteen thousand nine hundred Pounds Three Pounds *per Centum* Consolidated Annuities, of One million two hundred and eighty one thousand five hundred Pounds Three Pounds *per Centum* New *South Sea* Annuities, and of Two hundred and thirty one thousand Pounds Three Pounds *per Centum South Sea* Annuities, of the Year One thousand seven hundred and fifty one, shall, from and after the Fifth Day of *July* One thousand eight hundred and twenty two, be cancelled, and the Interest or Dividends which would have been payable on the several Sums so cancelled shall from those Days respectively cease to be issued from the Receipt of the Exchequer, or to be charged upon the Consolidated Fund, and the Money which would have been applicable to the Payment thereof shall remain and be a Part of the Growing Produce of the Consolidated Fund of *Great Britain* and *Ireland*, for the Purpose of defraying the Charge occasioned by the said recited Act of this Session of Parliament.

Annuities herein mentioned cancelled, and Money which would have been applicable to Payment of Dividends to remain a Part of Growing Produce of Consolidated Fund for defraying Charge occasioned by recited Act for Payment of Naval and Military Pensions, &c.

CAP. LXIX.

An Act to enable the Judges of the several Courts of Record at *Westminster*, to make Regulations respecting the Fees of the Officers, Clerks and Ministers of the said Courts.

[22d *July* 1822.]

'WHEREAS it is expedient that some Provision should be 'made for the permanent Regulation and Establishment 'of the Fees of the Officers, Clerks and Ministers of Justice of 'the several Courts of Chancery, King's Bench, Common Pleas, 'Exchequer and Exchequer Chamber, at *Westminster*, and of the 'Clerks and other Officers of the Judges of the same Courts; but 'the same cannot be effectually done without the Authority of 'Parliament:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Judges of the same Courts respectively for the time being, and they are hereby required to take into their Consideration as well the Reports and Recommendations made by the Commissioners acting in the Execution of the several Commissions issued under the Great Seal, in and subsequent to the Fifty fifth Year of the Reign of His late Majesty, relating to the said several Officers, Clerks and Ministers, as also the Rights and Duties of such Officers, Clerks and Ministers, and all other Matters relating thereto and connected therewith; and it shall and may be lawful for the Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, together with the Master of the Rolls and the Vice Chancellor of *England*, or together with either of them, to establish and ordain, by their Discretion, Tables of Fees to be thereafter taken by the several Officers, Clerks and Ministers of the Court of Chancery, and by the Officers of the said Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, Master of the Rolls and Vice Chancellor respectively, and for any Three or more of the Judges of the said Courts of King's Bench, Common Pleas, Exchequer and Exchequer Chamber respectively, to establish and ordain, by their Discretion, Tables of Fees to be thereafter taken by the several Officers, Clerks and Ministers of the same respective Courts, and by the Clerks and other Officers of the Judges thereof respectively; which Tables of Fees shall be entered or inrolled in the public Books or Records of the Courts to which they respectively relate, in such manner as the Persons establishing the same shall think fit.

the Judges, &c. may establish Tables of Fees to be taken by the Officers of the respective Courts.

II. And be it further enacted, That the Fees so established and ordained, and no other, shall, from and after the establishment and ordaining thereof, and the Entry or Inrollment of such Tables as aforesaid, and after Notice thereof given to the Officer, Clerk or Minister whom they may concern, in such manner as the Persons establishing the said Tables shall direct, be deemed and taken to be the lawful Fees of such Officers, Clerks and Ministers respectively, and shall and may be demanded, received and taken accordingly: Provided always, that if it shall happen that any Duty not provided for in such Tables shall, after the establishing and ordaining thereof, be required to be performed by any of the said Officers, Clerks or Ministers, by or in pursuance of any Act of Parliament or other lawful Authority, then and in every such case, and so often as the case shall happen, it shall and may be lawful for the Court whereto, or to some Judge whereof such Officer, Clerk or Minister shall belong (if the Court shall so think fit), by Rule or Order of the same Court, to be entered or inrolled as aforesaid, to appoint a reasonable Fee or Fees to be taken for the Performance of such Duty; which Fee or Fees so appointed and no other, shall be from thenceforth deemed to be the lawful Fee or Fees for the Performance of such Duty, and shall and may be demanded, received and taken accordingly.

Fees so established to be the lawful Fees.

Courts may appoint reasonable Fees in Cases where none are specified.

Deemed the lawful Fees.

III. And be it further enacted, That it shall and may be lawful for the Persons by whom such Tables shall be established as aforesaid, in and by the same Tables or otherwise, and for their Suc-

Duties of Officers and Clerks may be regulated.

cessors, from time to time, to make such Regulations respecting the Duties of such Officers, Clerks and Ministers, as to them shall seem expedient; which Regulations shall, from the time of the Establishment, ordaining and inrolling or entering thereof, be in full Force, with respect to such Officers, Clerks and Ministers respectively.

Act not to extend to Solicitors or Attornies.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to any Charges or Fees made or received by any Solicitor or Attorney of the same Courts, or of any of them, in respect of Business done by such Solicitor or Attorney in his Character and Profession only of Solicitor or Attorney, and not as such Officer, Clerk or Minister as aforesaid.

Extract of Table of Fees to be hung up.

V. And be it further enacted, That Extracts of the Tables of the Fees so ordained and established as aforesaid, shall be kept hung up in some conspicuous Part of the Office or Place of Business of the Officer, Clerk or Minister respectively, whom the same may concern.

Compensations where Loss is sustained, reported to the King.

VI. And be it further enacted, That in case it shall appear to the Persons by whom the said Tables shall be established and ordained, or to their Successors respectively, that in consequence of the Regulations aforesaid, or any of them, Compensation ought to be made to any of the Officers, Clerks or Ministers aforesaid, for any Loss which he may sustain by reason thereof, it shall be lawful for the Persons by whom the said Tables shall be established and ordained as aforesaid, or their Successors respectively, and they are hereby required, to report to His Majesty their Opinion and Recommendation as to such Compensation to be made to such Officers, Clerks and Ministers respectively.

CAP. LXX.

An Act to continue, until the Fifth Day of *January* One thousand eight hundred and thirty three, an Act of the Thirty seventh Year of His late Majesty, for suspending the Operation of an Act of the Seventeenth Year of His late Majesty, for restraining the Negociation of Promissory Notes and Bills of Exchange, under a limited Sum, in *England*.

[22d *July* 1822.]

17 G.3. c.30. ‘WHEREAS an Act was passed in the Seventeenth Year ‘of the Reign of His late Majesty King *George* the ‘Third, for restraining, for a limited Time, the Negociation of ‘Promissory Notes and Inland Bills of Exchange for Twenty ‘Shillings, or any Sum of Money above that Sum and under Five ‘Pounds: And Whereas the said Act was, by an Act passed in
27 G.3. c.16. ‘the Twenty seventh Year of the Reign of His said late Majesty,
37 G.3. c.32. ‘made perpetual: And Whereas by an Act passed in the Thirty ‘seventh Year of the Reign of His said late Majesty, the said first ‘recited Act, so far as the same relates to the making void of ‘Promissory Notes, Drafts or Undertakings in Writing, payable ‘on Demand to the Bearer thereof, for any Sum less than the ‘Sum of Five Pounds in the Whole, and also to the restraining the ‘publishing or uttering and negociating of any such Notes, Drafts ‘or Undertakings as aforesaid, was suspended until the First Day ‘of *May* then next: And Whereas the said Act of the Thirty

‘seventh

'seventh Year of the Reign of His late Majesty hath by several 'subsequent Acts been continued and is now in force until Two 'Years after the Expiration of the Restriction upon Payments in 'Cash by the Bank of *England*; and it is expedient that the 'same should be further continued;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act of the Thirty seventh Year of the Reign of His late Majesty, so far as the same suspends the said Act of the Seventeenth Year of the Reign of His late Majesty, shall be further continued until the Fifth Day of *January* One thousand eight hundred and thirty three.

37 G.3. c.32. so far as suspends 17 G.3. c.30. continued.

CAP. LXXI.

An Act to prevent the cruel and improper Treatment of Cattle. [22d *July* 1822.

'WHEREAS it is expedient to prevent the cruel and im-'proper Treatment of Horses, Mares, Geldings, Mules, 'Asses, Cows, Heifers, Steers, Oxen, Sheep and other Cattle:' May it therefore please Your Majesty that it may be enacted: And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall wantonly and cruelly beat, abuse or ill treat any Horse, Mare, Gelding, Mule, Ass, Ox, Cow, Heifer, Steer, Sheep or other Cattle, and Complaint on Oath thereof be made to any Justice of the Peace or other Magistrate within whose Jurisdiction such Offence shall be committed, it shall be lawful for such Justice of the Peace or other Magistrate to issue his Summons or Warrant, at his Discretion, to bring the Party or Parties so complained of before him, or any other Justice of the Peace or other Magistrate of the County, City or Place within which such Justice of the Peace or other Magistrate has Jurisdiction, who shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence, (which Oath the said Justice of the Peace or other Magistrate is hereby authorized and required to administer); and if the Party or Parties accused shall be convicted of any such Offence, either by his, her or their own Confession, or upon such Information as aforesaid, he, she or they so convicted shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Ten Shillings, to His Majesty, His Heirs and Successors; and if the Person or Persons so convicted shall refuse or not be able forthwith to pay the Sum forfeited, every such Offender shall, by Warrant under the Hand and Seal of some Justice or Justices of the Peace or other Magistrate within whose Jurisdiction the Person offending shall be convicted, be committed to the House of Correction or some other Prison within the Jurisdiction within which the Offence shall have been committed, there to be kept without Bail or Mainprize for any Time not exceeding Three Months.

Magistrates empowered to inflict a Penalty on Persons convicted of cruel Treatment of Cattle.

Penalty not paid.

Imprisonment.

Limitation of Complaint.

II. Provided always, and be it enacted by the Authority aforesaid, That no Person shall suffer any Punishment for any Offence committed against this Act, unless the Prosecution for the same be commenced within Ten Days after the offence shall be committed; and that when any Person shall suffer Imprisonment pursuant to this Act, for any Offence contrary thereto, in Default of Payment of any Penalty hereby imposed, such Person shall not be liable afterwards to any such Penalty.

Proceedings not to be quashed for Want of Form.

III. Provided also, and be it further enacted, That no Order or Proceedings to be made or had by or before any Justice of the Peace or other Magistrate by virtue of this Act shall be quashed or vacated for Want of Form, and that the Order of such Justice or other Magistrate shall be final; and that no Proceedings of any such Justice or other Magistrate in pursuance of this Act shall be removable by Certiorari or otherwise.

Form of Conviction.

IV. And for the more easy and speedy Conviction of Offenders under this Act, be it further enacted, That all and every the Justice and Justices of the Peace, or other Magistrate or Magistrates, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same effect, as the case shall happen; (*videlicit*),

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me, One of His Majesty's Justices of the Peace for *or* Mayor or other Magistrate of [*as the case may be*] either by his own Confession, or on the Oath of One or more credible Witness or Witnesses [*as the case may be*] by virtue of an Act made in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to prevent the cruel and improper Treatment of Cattle*, [*specifying the Offence, and Time, and Place where the same was committed, as the case may be.*]

'Given under my Hand and Seal, the Day and Year above written.'

Justices to order Compensation to Persons vexatiously complained against.

V. And be it further enacted, That if on hearing any such Complaint as is hereinbefore mentioned, the Justice of the Peace or other Magistrate who shall hear the same shall be of opinion that such Complaint was frivolous or vexatious, then and in every such Case it shall be lawful for such Justice of the Peace or other Magistrate to order, adjudge and direct the Person or Persons making such Complaint, to pay to the Party complained of, any Sum of Money not exceeding the Sum of Twenty Shillings, as Compensation for the Trouble and Expence to which such Party may have been put by such Complaint; such Order or Adjudgment to be final between the said Parties, and the Sum thereby ordered or adjudged to be paid and levied in manner as is hereinbefore provided for enforcing Payment of the Sums of Money to be forfeited by the Persons convicted of the Offence hereinbefore mentioned.

How enforced.

Limitation of Actions.

VI. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person

Person or Persons, for any thing done in pursuance of this Act, it shall be brought or commenced within Six Calendar Months next after every such Cause of Action shall have accrued, and not afterwards, and shall be brought, laid and tried in the County, City or Place in which such Offence shall have been committed, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials to be had thereon, and that the same was done in pursuance and by authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid or brought in any other County, City or Place than where the Offence shall have been committed, then and in any such Case the Jury or Juries shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or shall discontinue his Action or Actions, or if Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or may have for his, her or their Costs in any other Cases by Law.

Where tried.

General Issue.

Treble Costs.

CAP. LXXII.

An Act to amend and render more effectual Two Acts, passed in the Fifty eighth and Fifty ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes. [22d *July* 1822.]

'WHEREAS an Act passed in the Fifty eighth Year of the Reign of His late Majesty, intituled *An Act for building and promoting the building of additional Churches in populous Parishes:* And Whereas another Act passed in the Fifty ninth Year of the Reign of His late Majesty, intituled *An Act to amend and render more effectual an Act, passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous parishes:* And Whereas it is expedient and necessary that some of the Provisions of the said recited Acts should be amended, and other Provisions thereof explained and enlarged, and that further and additional Provisions should be made, for rendering the said Two recited Acts more effectual:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Master General and principal Officers of His Majesty's Ordnance, and also for the Comptroller of the Barrack Department, and also for the principal Officers of any other Public Department, having or holding any Messuages or Buildings, or any Lands, Grounds, Tenements or Hereditaments, for and on behalf of His Majesty, for the public Use of any such Department, by any Grant or Conveyance, signed by the Master General or any Two of the principal Officers of the Ordnance Department; or by any Grant or Conveyance, signed by the Comptroller of the Barrack Department; or by any Grant or Conveyance, signed by any One or more of the principal Officers of any

58 G.3. c.45.

59 G.3. c.134.

Ordnance and other Public Departments, and all Corporations, may grant Messuages, Lands, &c. for Sites for Churches, &c.

such other Public Departments as aforesaid, and countersigned, as to all such last mentioned Grants or Conveyances, by any Three or more of the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*; and it shall also be lawful for any and every Body Politic, Corporate and Collegiate, and Corporation Aggregate or Sole, or for any Trustees, Guardians, Commissioners or other Persons having the Controul, Care or Management of any Hospitals, Schools, Charitable Foundations or other Public Institutions, by any Grant or Conveyance signed by or under the Seal of such Body or Corporation respectively, to give, grant and convey any Messuages, Buildings, Lands, Grounds, Tenements or Hereditaments respectively; and if any such Messuages, Buildings, Lands, Grounds, Tenements or Hereditaments respectively, shall be Copyhold at the Time of any such Gift, Grant or Conveyance, in any case in which the Lord is willing, to enfranchise the same; to be used as Sites for Churches or Chapels, or for enlarging Sites of Churches or Chapels; or for Church or Chapel Yards or Cemeteries, or for enlarging Sites for Church or Chapel Yards or Cemeteries; or for Parsonages or Residences for Ecclesiastical Persons; and all such Gifts, Grants and Conveyances shall be made to the Commissioners or such other Person or Persons as shall be specified by the said Commissioners, under the said recited Acts and this Act, to be used for the Purposes thereof; and all such Gifts and Grants may be made and given without any valuable Consideration whatever; and all Conveyances and Assurances made for carrying any such Gifts or Grants into effect, shall be valid and effectual in the Law to all Intents and Purposes whatsoever; any Law, Statute, Usage or Custom to the contrary thereof in any wise notwithstanding; and all Bodies Politic, Corporate or Collegiate, and all Persons whosoever so giving, granting and conveying as aforesaid, are hereby indemnified for or in respect of any such Gift, Grant, Conveyance or Enfranchisement, which he, she or they, or any of them, shall respectively make or convey by virtue of or in pursuance and for the Purposes of the said recited Acts and this Act.

No consideration required in such Grants.

Grantors indemnified.

Form of Grant or Conveyance.

II. And be it further enacted, That all Grants, Conveyances and Assurances which shall be made under the Authority of the said recited Acts or this Act, or either of them, of any Messuages, Buildings, Lands, Grounds, Tenements or Hereditaments, whether belonging to His Majesty as Part of the Duchy of *Cornwall* or of the Duchy of *Lancaster*, or otherwise, or to any Body or Persons whatever, to the said Commissioners, or any other Person or Persons under their Direction, for the Purposes of the recited Acts and this Act, may and shall be made according to the Form following, or in such other Form as the case may require, or as near thereto as the circumstances of the case will admit; *videlicet*,

'I [*or* We, *or the Corporate Title if a Corporation*] under the 'Authority and for the Purposes of an Act passed in the Fifty 'eighth Year of the Reign of His late Majesty, intituled "An Act 'for building and promoting the building of additional Churches 'in populous Parishes;" and of another Act passed in the Fifty 'ninth Year of the Reign of His late Majesty, intituled "An 'Act to amend and render more effectual an Act passed in the 'last Session of Parliament, for building and promoting the build-

'ing of additional Churches in populous Parishes;" and of another 'Act passed in the Third Year of the Reign of His present Ma-'jesty, intituled "An Act to amend and render more effectual 'Two Acts passed in the Fifty eighth and Fifty ninth Years of 'His late Majesty, for building and promoting the building of 'additional Churches in populous Parishes;" do hereby freely 'and voluntarily give to His Majesty's Commissioners, [or, to '] (as the case may require); *and by these Presents, freely 'and voluntarily, and without any valuable Consideration;* [If 'the Lands, *et cetæra*, are conveyed for a valuable Considera-'tion, leave out the Words in *Italics*, and insert Do, for and in 'Consideration of the Sum of to me *or* us, *or* 'the paid hereby, under the Authority of the 'several recited Acts, grant, convey and release to the said '] All [*describing the Premises to be conveyed*] and all '[my, *or* our, *or* the] Right, Title and Interest of [*if a Corpo-'ration*] to and in the same and every Part thereof; to hold to 'the said and their Successors, for the Purposes 'of the said several Acts, and to be devoted, when consecrated, to 'Ecclesiastical Purposes for ever, by virtue and according to the 'true Intent and Meaning of the said several recited Acts. In 'Witness whereof, *et cetæra*.'

Valid in Law.

And all such Conveyances and Assurances shall be valid and effectual in the Law, to all Intents and Purposes, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts and Interests and Incumbrances whatsoever.

Commissioners may obtain or receive Lands or Grounds required for enlarging or rebuilding any Church or Chapel, whether contiguous to old Site or not.

III. And be it further enacted, That it shall be lawful for the said Commissioners under the said recited Acts and this Act, to procure and obtain, or require Parishes, Chapelries, Townships and Places, to provide and furnish, by all or any of such Ways and Means as are specified in the said recited Acts or either of them or this Act, in relation to Sites for additional Churches, or for Church or Chapel Yards or Cemeteries, or to accept and receive as Gifts and Grants under and for the Purposes of the said recited Acts and this Act, and to take Grants of to themselves, or direct Grants of to be made to any other Persons specified by them for that Purpose, any such Land or Ground, or additional Land or Ground, as may in the Judgment of the said Commissioners be required for the enlarging or improving any Church or Chapel, and also any Land or Ground which may be required or be convenient for the rebuilding of any Church or Chapel, whether contiguous or not to the present Site thereof; and all the Powers, Authorities, Clauses and Provisions in the said recited Acts or either of them or in this Act contained, in relation to the obtaining or procuring any Lands or Grounds, or requiring any Lands or Grounds to be provided or furnished by any Parishes or Places for any Sites for additional Churches or any other Purpose of the said recited Acts, shall extend and be construed to extend to the obtaining, procuring, requiring, accepting or receiving, under the Authority of the said recited Acts or this Act or either of them, any Lands or Grounds for the Purposes aforesaid, as fully and effectually to all Intents and Purposes, as if all such Powers and Authorities had been given, and all such Clauses

Former Acts extended to this Act.

and Provisions had been repeated and re-enacted in this Act as to such Lands and Grounds.

Fines for Renewals at Time of Lands, &c. taken, paid to Person entitled to renew.

† *Sic.*

IV. And be it further enacted, That in every case in which any Lands, Tenements, Hereditaments or any Interest in or arising out of any Lands, Tenements or Hereditaments, shall be given up, sold or surrendered by or taken under the Provisions of the said Act or this Act, from any Body Politic or Corporate or Person, and† which any such Body Politic, Corporate or Person shall be entitled to take any Fine or Fines upon the renewal of any Life or Lives, or of any Lease or Leases upon or of any such Lands, Tenements or Hereditaments, the Amount of the Value of the Interest of such Body Politic or Corporate or Person, which would arise out of the Renewal of such Life or Lives, or Lease or Leases, if the same were renewed at the time of such Lands, Tenements or Hereditaments being so given up, sold, surrendered or taken, shall be paid to the Body Politic, Corporate or Person entitled thereto, out of the Principal Sum ascertained under the Provisions of the said recited Acts as the Value of such Lands, Tenements or Hereditaments; and the Remainder of such Principal Sum shall be applied under the Provisions of the said recited Acts or this Act.

Commissioners may lend Money for Purpose of Acts, at such Interest, not exceeding legal Interest, or without Interest, as they shall deem fit.

V. And be it further enacted, That it shall be lawful for the Commissioners under the said recited Acts and this Act, to lend and advance to any Parish or Place any such Sum as to the said Commissioners may appear to be required and expedient to lend and advance, for building of any additional Church or Chapel, or Churches or Chapels, or rebuilding or in aid of building or rebuilding any Church or Chapel, or for or towards Completion of the building or rebuilding of any Church or Chapel already commenced or in part built or rebuilt, or for the Payment or Part Payment of any Expences or Sums due or to become due upon any Contract heretofore made, or which may hereafter be made for any such building or rebuilding, or for the Completion of any such building or rebuilding, or for enlarging or in aid of the enlarging or improving any Church or Chapel in any Parish or Place, or for the Purchase or in aid of the purchasing of any Land or Ground for any Site for any Church or Chapel, or Church or Chapel Yard or Cemetry, or enlarging any Site of Church or Chapel Yard or Cemetry, or for carrying into Execution any other Purposes of the said recited Acts or this Act, for any such Period or Term as the Commissioners shall think fit, upon Payment for any such Loan or Advance of such annual Interest, not exceeding Five Pounds *per Centum per Annum* or without any Interest, if under special Circumstances they shall think it expedient and fit, either for any Part or for the Whole of the Term or Period for which such Loan or Advance shall be made, as the said Commissioners shall, under all the Circumstances, judge proper; and

Loans to be charged on the Church Rates.

such Loans and Advances shall be repaid at such Times and in such Manner and by such Instalments as shall be settled by the Commissioners in that Behalf, and shall be charged and chargeable upon the Church Rates of the Parishes or Places, or upon Rates to be made for that Purpose, as is provided in the said recited Acts in relation to Advances authorized by the said recited Acts; and the Amount of all such Advances when repaid, and of all Interest paid upon any such Advances to the said Commissioners, shall

shall be applied to the Purposes of the said recited Acts and this Act, any thing in the said recited Acts or either of them to the contrary notwithstanding; and it shall be lawful for the Church or Chapel Wardens of any such Parish or Place, and they and each of them are hereby empowered, authorized and required, to declare any such Loan or Advance, and also every other Loan or Advance made under the Authority of the said recited Acts and this Act, to be applied to any of the Purposes thereof, to be chargeable and charged upon the Church Rates of such Parish or Place, by any Instrument in the Form hereinafter mentioned or in such other Form being as near thereto as the Nature of the case will admit, or the circumstance of the case shall require:

Churchwardens may declare the same.

" WHEREAS His Majesty's Commissioners for building New " Churches, acting under the Authority of and in pursuance " of the Provisions contained in the several Acts passed for the " building and promoting the building of Churches in populous " Parishes, *or* *A. B.* of and *C. D.* of " have [*recite shortly the Loan and Circum-* " *stance and Terms, et cætera;*]" We therefore *or* I, *A. B.* ' being of the ' Church [*or* Chapel] Wardens of [*describe them*] Do, by these ' Presents, charge the said [*de-* ' *scribe the Parish or Place*] with the said Sum of ' and with the Repayment thereof, according to the Terms and ' Conditions above stated; and do hereby, in pursuance of the ' Provisions of the said Acts or some or one of them, declare that ' the said Sum of is and shall continue ' to be chargeable and charged upon the Church [*or* Chapel] ' Rates now raised or hereafter to be raised in the said [*Parish, et* ' *cætera*] until the said Sum of , together ' with the Interest, is fully repaid according to the Terms and ' Conditions above set forth. Witness, *et cætera*.'

Form of Charge upon Rates.

VI. And be it further enacted, That it shall be lawful for the Church or Chapel Wardens of any Parish or Place, in which any Sum or Sums of Money is or are authorized or required to be raised for any of the Purposes of the said recited Acts or this Act, to raise any such Sum or Sums of Money, or any Part or Proportion thereof, by the Grant or Grants of any Annuity or Annuities: Provided always, that no larger or greater Rate of Annuity shall be granted or given upon any Life or Lives, for any Money advanced, than is specified in the Tables annexed to an Act passed in the Thirty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing certain Duties on Legacies and Shares of Personal Estates, and for granting other Duties thereon in certain cases.*

Money may be raised by Annuities.

36 G. 3. c. 52.

VII. And be it further enacted, That it shall be lawful for the said Commissioners, and also for any Parish or Place for which any Act or Acts of Parliament shall have been passed in relation to the building or rebuilding or enlarging any Church or Chapel, or enlarging or procuring any Church or Chapel Yard or Cemetry, to make any Grants or Loans, or give or grant any other Aid or Assistance in procuring Sites for Churches or Chapels, or Land or Ground for such Church or Chapel Yards or Cemetry, or any Addition

Commissioners, &c. to make Loans for procuring Land, &c. and apply Acts for the Purposes thereof.

Addition thereto, and to use, enforce and apply all the Powers, Authorities, Claims, Regulations and Provisions in the said several Acts and this Act contained, for carrying into Execution any of the Purposes thereof; any thing in any Act or Acts relating to any such Parish or Place to the contrary notwithstanding.

Commissioners empowered to take Land for Parishes on paying the Value assessed.

VIII. And be it further enacted, That in every case in which any Parish or Place shall not have been able or shall not hereafter be able to procure any Land or Ground for the building or rebuilding any Church or Chapel, or enlarging any existing Church or Chapel, or for the making of any Yard to any Church or Chapel, or for any Cemetry, or for enlarging any Yard to any Church or Chapel or any Cemetry, by reason of the Inability of any Person or Persons, Body or Bodies, interested in such Land or Ground, or any Part thereof, to convey or make a good Title to the same, freed and discharged from all Incumbrances; or that any such Person or Persons, or Body or Bodies, shall be unwilling to treat for the Sale thereof, or cannot agree for such Sale and Purchase, then and in every such case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, if upon Consideration of all the Circumstances of the Case they shall think proper, to take such Land or Ground for any such Purpose as aforesaid, for any such Parish or Place; and it shall be lawful for the said Commissioners in every such case to use, apply and put in force all such of the Powers and Authorities of the said recited Acts or this Act respectively, as may be necessary for the assessing, ascertaining and paying the Value, and taking and giving Possession of any such Land or Ground; and all the Powers and Authorities in the said recited Acts and this Act contained, in relation to the assessing or ascertaining, and to the paying the Sums assessed on the Value of, and to the taking and giving Possession of Sites for Churches to be built under the said recited Acts and this Act, shall extend and apply to the assessing and ascertaining, and to the paying the Sums assessed as the Value, and to the taking and giving Possession of such Land or Ground, as fully and effectually to all Intents and Purposes, as if the same were severally and separately repeated and re-enacted for the Purposes aforesaid, any thing in the said recited Acts or either of them or this Act, to the contrary notwithstanding.

How Value assessed.

Former Acts applied.

Quit and other reserved Rents apportioned.

IX. And be it further enacted, That whenever any Quit, Chief or other Rent or Rent Charge, either for Term of Years, or for Life or Lives, or in Fee, shall be reserved upon or payable out of any Lands, Tenements or Hereditaments, Part of which may be given, sold or taken under the Provisions of the said recited Acts or this Act for the Purposes thereof respectively, and Difficulties may arise as to the apportioning such Rents, and exonerating the Portions of any such Lands, Tenements or Hereditaments so given, sold or taken for any Claim in respect of such Rents, and as to the effectually charging the Remainder of such Lands, Tenements or Hereditaments with the Remainder of such Rent, it shall be lawful for the Public or Corporate Body or Trustees, or other Persons giving or selling any such Portion of any such Lands, Tenements or Hereditaments, or from whom the same may be taken under the Provisions of the said recited Acts or this Act, to apportion any such Rent, with the Consent and Concurrence

Concurrence of the said Commissioners; and the Lands, Tenements and Hereditaments used and applied for the Purposes of the said Acts or this Act, shall in every such case be wholly exonerated from any such Rents or any Part thereof, but the remaining Part of such Lands, Tenements or Hereditaments shall not be thereby discharged from the remaining Part of the Rent fixed by any such apportionment, and the Rent so apportioned shall in every such case be deemed the entire Rent upon the remaining Part of such Lands, Tenements and Hereditaments; and all Remedies by Distress, Entry, Action or otherwise, which might have been used and applied for the Recovery of the original entire Rent, shall be used, enforced and applied for the Recovery of the Rent fixed by such Apportionment.

How far Lands exonerated from such Rents.

Apportioned Rent how far deemed the entire Rent.

X. And be it further enacted, That in every Case in which any Parish or Place shall be divided into separate Parishes for Ecclesiastical Purposes, or into separate Districts or Chapelries, in which Select Vestries shall be appointed by the Commissioners for such Parishes under the Provisions of the said recited Acts, all the Members of or Persons belonging to the Select Vestry of the original Parish, who shall reside in or belong to the District or Division of the original Church or Chapel of the Parish or Place, shall continue to act as the Vestry of such District or Division, and of the Church or Chapel thereof, in all Matters relating to such Church or Chapel and the Repairs thereof, or to any other Ecclesiastical Matters or Things, or in the Distribution of any Proportion of any Bequests, Gifts or Charities which may under the Provisions of this Act be assigned to any such District or Division; any thing in the said recited Acts or this Act to the contrary notwithstanding: Provided always, that no Member of any Select Vestry of any such Parish or Place shall, after any such Division as aforesaid, act in relation to any Matters or Things relating to any Church or Chapel, or Churches or Chapels, or any Repairs thereof, or any Matters or Things relating thereto, or any other Ecclesiastical Matters or Things, except such as are within or belonging or relate to the Division in which he shall reside; and if by reason of any such Division as aforesaid a sufficient Number of such Members of Select Vestry shall not remain resident in the Division of the Parish or Place within which the original Church or Chapel of the Parish or Place shall be situate, according to such Proportion as shall be fixed by the Commissioners on that Behalf, regard being had to the Population of such Division, and the relative Proportion thereof to the Population of the whole Parish or Place, all such Deficiencies shall be filled up as Deficiencies or Vacancies in such Parish or Place have been heretofore filled up in such Parish or Place: Provided always, that no Member of any such Select Vestry or Inhabitant of any such Parish or Place shall vote in the supplying such Deficiencies, unless resident within the Division of the Parish or Place for which the Member or Members to supply Deficiencies are to be chosen; provided also such Persons so chosen shall not by reason thereof be deemed Members of the Vestry of any such Parish or Place for any other Purposes than such as relate to the Church or Churches, or Chapel or Chapels, or the Ecclesiastical Affairs

In Cases of Division of Parish, Vestrymen resident in District left to original Parish Church, to continue to act for Ecclesiastical Purposes.

Vestrymen to act only in Division of their Residence.

How Deficiency of Vestrymen is to be supplied.

Proviso.

Affairs of the Division of the Parish or Place for which they shall be so chosen, or for the Distribution of any charitable Gifts or Bequests therein; Provided also, that all the Members of the Select Vestry of any such Parish or Place, resident in any other Divisions of any such Parish or Place, shall in every Case be Members of such Vestry, or Vestries as shall be appointed under the Provisions of the said recited Acts or this Act, for the respective Divisions of the Parish or Place in which they shall respectively reside.

Proviso.

Commissioners may, in case of Division of Parishes, apportion and direct the apportionment of Charitable Gifts and Debts.

XI. And be it further enacted, That it shall be lawful for the said Commissioners, in every Case in which they shall be of Opinion that it will be expedient to divide, or in which the said Commissioners shall have divided any Parish or Place into Two or more distinct and separate Parishes, District Parishes or Chapelries, for Ecclesiastical Purposes, under the Provisions of the said recited Acts, to apportion, if the Commissioners shall in their Discretion think it expedient, among such separate Divisions of any such Parish or Place so made separate or District Parishes or Chapelries for Ecclesiastical Purposes, any charitable Bequests or Gifts which shall have been made or given to any such Parish or Place, or the Produce thereof; and in any such case, to direct that the Distribution of the Proportions of such Bequests or Gifts, or the Produce thereof, as shall be so apportioned to any such separate Divisions of any such Parish, shall be made and distributed by the Spiritual Person serving the Church or Chapel of any such separate Divisions, or the Church or Chapelwardens or Select Vestry of any such separate Divisions, either jointly or severally, as the Commissioners may in their Discretion (regard being had to the Nature of the Bequest or Gift and the Application thereof) think expedient; and also to apportion among such separate Divisions, any Debts which may have been before the Period of such apportionment contracted or charged upon the Credit of any Church Rates in such Parish or Place, regard being had in all such Apportionments to the Circumstances of such Parish or Place, and of the respective Divisions thereof so made separate and distinct for Ecclesiastical Purposes as aforesaid; and all such Apportionments shall be registered in the Registry of the Diocese in which the Parish or Place shall be locally situate, and Duplicates thereof shall be deposited with the Churchwardens of each such separate Districts as aforesaid, in respect of or in relation to which any such Apportionments as aforesaid shall have been made.

With Consent of Bishop, &c. Commissioners may direct that Fees for Marriages, &c. in case of Division into District Parishes, shall continue to Incumbent of original Church.

XII. And be it further enacted, That it shall be lawful for the said Commissioners, in every case in which any Parish or Place shall be divided, under the Provisions of the said recited Acts, into District Parishes or Places for Ecclesiastical Purposes, with distinct District Churches for each of such Divisions, to order and direct, with the Consent of the Bishop of the Diocese, that all or any Proportion of the Fees, Dues and Emoluments arising and accruing from the Publication of Banns and Celebration of Marriages and from Churchings and Burials, and the making, opening or using any Catacombs, Vaults or Ground for Burials, in all or any the several Districts and Divisions of such Parish or extra parochial Place, shall remain with and continue to belong to, and

to

to be received by, or for and on Account of, and to the Use of, and to be accounted for wholly or in part, as the case may require, to the Incumbent of the original Church or Chapel, any thing in the said recited Acts or either of them, or in this Act contained to the contrary notwithstanding; and every such Order shall be registered in the Registry of the Diocese, and a Duplicate Copy thereof deposited and kept in the respective Chests of the Churches and Chapels respectively of such Parish or Place: Provided always, that it shall be lawful for the Commissioners, with such Consent as aforesaid, at any Time within Five Years after the making of any such original Order or Direction, to annul or in any manner to alter any such Order or Direction or the Appropriation made thereby; and such new Order or Direction or Alteration, when made, shall be registered in manner aforesaid.

Proviso for Commissioners with Consent altering Orders.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to convert any Vicarage of any Parish or Place, or the separate Divisions of any Vicarage of any Parish or Place, divided under the said recited Acts or this Act, into a Rectory or Rectories instead of a Vicarage or Vicarages, in any case in which the Owner or Owners entitled in Fee Simple to the Rectory or Tithes, if an Impropriate Rectory or the Patron entitled in Fee Simple of† a Sinecure Rectory, and also the Incumbent of the Sinecure Rectory of any such Parish or Place, if the same shall not be void at the Time of any such Conversion, and the Person or Persons (if any) entitled to the absolute Interest in any Lease granted of the Sinecure Rectory or Glebe, or Tithes thereof, shall be willing to restore and release and reunite the Tithes and Glebe and all other Rectorial Rights, Dues and Emoluments of any such Parish or Place, or of any such Proportion of any such Parish or Place, as shall be satisfactory to such Commissioners, to the Incumbent or Incumbents of such Parish or Parishes, or Place or Places and his or their Successors for ever; and in every such case such Surrender, Restoration or Release, shall be made in such Form and by such Instrument as the Commissioners shall direct; and the said Commissioners shall, by an Instrument in Writing under the Seal of the said Commissioners, direct such Alteration to be made, and Conversion of any such Vicarage or Vicarages into a Rectory or Rectories, from the Period specified in such Instrument, and upon the Conditions as to the Transfer, Restoration or reuniting of Tithes, Glebe or other Rectorial Rights, Dues and Emoluments therein mentioned; which Instrument shall be registered in the Registry of the Diocese in which the Parish shall be locally situate, and inrolled in the High Court of Chancery; and such Parish or Parishes, Place or Places, shall for ever therefrom be deemed and taken to be, to all Intents and Purposes, a Rectory or Rectories, without Prejudice nevertheless to the Rights and Interests of any other Persons; and the Incumbent or Incumbents of any such Vicarage or Vicarages shall thereupon become and be deemed to be the Rector or Rectors of such Parish or Parishes, or divided Parishes, or Place or Places, without any new Induction or Proceeding whatever, and shall be entitled to have and use and exercise all such Remedies for the Recovery of their Tithes, Glebe and all other Rectorial Rights, Dues and Emoluments, as Rectors of

In Cases in which Rectorial Tithes, &c. surrendered by Impropriators, &c. for converting Vicarages into Rectories, Commissioners by Instrument in Writing to direct same to be done accordingly.

† *Sic.*

Instrument to be registered.

New Induction, &c. not necessary.

of such Parishes, or divided Parishes, as fully and effectually to all Intents and Purposes, as if such Parishes had been Rectories, and such Incumbents respectively had been in due Form of Law inducted as Rectors therein; and it shall be lawful for the said Commissioners in every such case, immediately after the passing of this Act, and before any such Transfer and Division can be finally arranged, made and completed, to accept and confirm any such Restoration or Release and Reunion of any such Tithes, and accept and record the Consents or Engagements in relation thereto, of any such Impropriator, Patron or Sinecure Rector and Incumbent (if there shall have been any Incumbent to consent at the time of such Conversion), and Tenant or Tenants, if any, and to proceed to the completing of any such Transfer or Division upon such Consent, for the Purpose of converting any such Vicarage into a Rectory or Rectories; and all such Consents shall in any such case be valid and binding upon the Heirs and Successors and Executors and Administrators respectively, of any such Impropriator, Patron or Sinecure Rector and Incumbent, Tenant or Tenants, if any Death or Changes shall thereafter occur in any such Patronage or Incumbency, as fully and effectually to all Intents and Purposes as if the Consent had been given and Transfer made by the Impropriator, Patron or Sinecure Rector and Incumbent, Tenant or Tenants, for the time being, when the Arrangement and Division shall be finally completed: Provided always, that no Incumbent shall in any such case become liable to the Maintenance or upholding or Repair of more than One House of Residence in any such Parish or Place; and when in any such Parish or Place there shall be more than One House belonging to the Church or Chapels thereof, the Bishop of the Diocese shall decide, order and declare which shall thereafter be deemed the House of Residence, and be upheld and maintained and repaired as such; and the Order of the Bishop in relation thereto shall be registered in the Registry of the Diocese, and a Duplicate Copy of such Order deposited and be kept in the Chest of the Church or Chapel of such Parish or Place.

In such cases, Commissioners may accept and confirm Release and Reunion of Tithes.

Consents valid in case of Death, &c.

Proviso as to liability of Incumbent to Repairs.

XIV. Provided always and be it further enacted, That in case the said Commissioners shall think proper to convert into a Rectory or Rectories the Vicarage of any Parish or Place, or separate Division of a Parish or Place which shall be divided, or in which a new Church shall be erected by virtue of the Provisions contained in the said recited Acts or this Act, and the Possessor or Possessors of the Sinecure Rectory of such Parish or Place for Two or more Lives, by virtue of a Lease granted thereof by a Rector with the Consent of the Patron and Ordinary, shall be desirous of retaining any Manor or other Hereditaments, being the Glebe or Part of the Glebe of the said Rectory, and shall be willing to surrender and release all his, her or their Estate and Interest in the Tithes, and the Residue (if any) of the Glebe of the said Rectory, on condition that such Manor and other Hereditaments shall be vested in him, her or them in Fee Simple, then and in every such case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, if they shall think proper, with the Consent of the Patron of the said Rectory being entitled thereto in Fee Simple and the Incumbent thereof, by any Instrument under the Seal of

Sinecure Rector may release Part of Rectorial Glebe, &c. and retain the Remainder in Fee Simple for the Purpose of converting any Vicarage into a Rectory by the Commissioners, with Consent of Patron.

of the said Commissioners, and sealed and delivered by the said Patron and Incumbent (if any), upon the Execution by such Possessor or Possessors of the said Rectory, together with the Patron and Incumbent (if any) thereof, and of the said Commissioners, of such Instruments as are hereinbefore mentioned or referred to, for surrendering, releasing and vesting all the Rectorial Tithes and Glebe (except the Manor and other Hereditaments to be retained as aforesaid), to release and convey the said Manor and other Hereditaments to such Possessor or Possessors, or such other Person or Persons as he, she or they shall in that behalf direct, his, her or their Heirs and Assigns for ever; and such Instruments in Writing shall be inrolled in the High Court of Chancery, and upon the Execution thereof the Manor and other Hereditaments comprised therein, with their Appurtenances, and the Fee Simple and Inheritance thereof, shall be absolutely vested in the Person or Persons to whom the same should be thereby released and conveyed, his, her or their Heirs and Assigns for ever, but shall be subject to Tithes in the same manner as if the same had never been part of the Glebe of the said Rectory.

Instruments inrolled.

Inheritance vested, subject to Tithes.

XV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees and Feoffees in Trust, Committees, Executors and Administrators, and all other Persons and Trustees whomsoever, not only for or on behalf of themselves, their Heirs and Successors, but also for and on behalf of Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Coverts or other Person or Persons, and to and for all Femes Covert who are or shall be possessed of or entitled to, or interested in their own right, and for every other Person whomsoever who shall be possessed of or entitled to, or interested in any Right of Patronage or of Presentation or Appointment to any Benefice, Donative, Perpetual Curacy, or of any Spiritual Person to any Church or Chapel, or the Performance of any Ecclesiastical Duties in any Church or Chapel, or for the Trustees of any Endowments or Emoluments for the Use of any Church or Chapel, or the Incumbent thereof or Spiritual Person serving the same, to surrender any such Right of Patronage, Presentation or Appointment, Endowments or Emoluments, or to enter into or make any Agreement relating thereto, with the said Commissioners and the Bishop of the Diocese, and to attach any contiguous Division of any Parish or Place, with Consent of the Patron and Incumbent of the Parish or Place, to any such Chapel, for the Purpose of better enabling the said Commissioners to convert any such Church or Chapel into the Church or Parochial Chapel or Chapel of Ease of a District Parish or Chapelry, and to convert any Chapelries or other Divisions into Districts or separate Parishes for Ecclesiastical Purposes; any thing contained in any Act or Acts of Parliament, or in any Deed or Deeds, or any Trusts relating thereto respectively, to the contrary notwithstanding.

Bodies Politic, &c. empowered to give up Rights of Patronage and Endowments and Emoluments held by them in Trust, to enable the Commissioners to establish District Churches.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, with the Consent of the Ordinary and the Patron and of the Incumbent of the Parish for the time being, or in case of the Refusal of any

Commissioners may, with Consent of Ordinary, &c. convert District

Chapelries into District Parishes, where Residence, &c. obtained and Fees compensated for.

any Incumbent, then with the Consent of the Ordinary upon the next Avoidance, to convert any District Chapelry made under the Provisions of the said recited Acts, into a separate and distinct Parish for Ecclesiastical Purposes, or into a District Parish under the said Acts, in any case in which a suitable House of Residence and such Maintenance as the said Commissioners shall deem competent, can be procured and established for the Use of the Minister of such separate and distinct or District Parish so to be made, and his Successors, and in which a Compensation shall be provided to the Satisfaction of the Commissioners and the then Incumbent of the Parish, for all Fees, Oblations, Offerings and other Ecclesiastical Dues which may by such Conversion be transferred to the Minister of such separate and distinct or District Parish so to be made; and every such Conversion shall be made under the Seal of the said Commissioners, and registered in the Registry of the Diocese in which the Parish shall be locally situate and enrolled in the High Court of Chancery, and Duplicate thereof shall be lodged in the Chest of the original Parish Church, and in the Church or Chapel of the separate and distinct or District Parish.

Conversion under Seal and enrolled.

In what case Banns of Marriage may be published in Chapels of Districts.

XVII. And be it further enacted, That in every Case in which Marriages are allowed under any of the Provisions of the said recited Acts, or either of them, to be solemnized in any Chapel of a District Chapelry, and in which the Parties, or either of them, contracting such Marriage, shall reside in the District of the Chapelry, or in any other District of any Chapelry, the Banns of Marriage shall be published in the Chapel or Chapels of each of the Districts in which such Parties respectively reside, and no Publication of such Banns in any other Church or Chapel shall be legal, valid or effectual for the Purposes of such Marriage; any thing in the said recited Acts or either of them, or any other Act or Acts of Parliament contained to the contrary notwithstanding.

Acts relating to publishing Banns, &c. to apply to Churches, &c. of extra parochial Places.

XVIII. And be it further enacted, That all Acts of Parliament, Laws and Customs relating to publishing Banns of Marriage, and to Marriages, Christenings, Churchings and Burials, and the Registering thereof, and to all Ecclesiastical Fees, Oblations or Offerings, shall apply to all extra parochial Places, and to all Divisions and Districts of any extra parochial Places in and for which any Churches or Chapels shall be built or appropriated, under the Provisions of the said recited Acts or this Act, and to the Churches and Chapels thereof, and to the Ecclesiastical Persons having the Cure of Souls therein, or serving the same, in like manner, in every respect, as if the same respectively had been ancient, separate and distinct Parishes and Parish Churches by Law, to all Intents and Purposes.

Bishop to certify Churches, &c. in which Banns published and Marriage celebrated.

XIX. And be it further enacted, That when and so soon as Banns of Marriage may be published, and Marriage celebrated and solemnized, in any Church or Chapel under the Provisions of the said recited Acts or this Act, the Bishop of the Diocese within which such Church or Chapel shall be locally situate, whether in any Parish or extra parochial Place or otherwise, shall certify the same, and such Certificate shall be kept in the Chest of the Church or Chapel with the Books of Registry thereof, and a Copy thereof

thereof shall be entered in the Books of Registry of Banns and Marriages, and a Duplicate of such Certificate shall be registered in the Registry of the Diocese, and such Certificate shall be deemed and taken to be conclusive Evidence in all Courts, and in all Questions relating to any Banns published or Marriages celebrated or solemnized in any such Church or Chapel, that the same might, according to Law, respectively be published and celebrated and solemnized in such Church or Chapel; and that all Banns published, and Marriages celebrated, solemnized and had in any such Church or Chapel, according to the Laws and Canons in force within this Realm in that Behalf, shall, after the granting of such Certificate, be good, valid, legal and effectual, to all Intents and Purposes whatsoever: Provided always, that no Banns or Marriages respectively published, celebrated, solemnized or had, according to the Laws and Canons in force within the Realm in that Behalf, in any Church or Chapel in which the same are authorized to be respectively published, celebrated, solemnized and had by the said recited Acts or this Act, or either of them, shall be or be deemed or taken to be invalid or illegal, or void or voidable, by reason of any such Certificate not having been duly given, or registered, or entered as hereinbefore required.

Certificate registered; Banns, &c. not invalid for want of Certificate, if had in authorized Churches.

'XX. And Whereas Doubts may arise as to the Repairs of 'Churches or Chapels acquired and appropriated, or built or en-'larged or improved in aid of the Churches of Parishes or Places, under the Provisions of the said recited Acts or this Act;' For Remedy and Prevention thereof, be it enacted, That all Chapels acquired and appropriated, or built or enlarged and improved under any of the Provisions of the said recited Acts, or under any Local Acts, in cases in which no Provision is made relating thereto in such Local Acts, in Aid of the Churches of the Parishes or Places in which they shall be situated (whether any Districts of any such Parishes shall have been assigned or not to such Chapels as belonging thereto for Ecclesiastical Purposes), shall be repaired by the respective Parishes or Places at large to which such Chapels shall belong, and Rates shall be raised, levied and collected for that Purpose, in like manner in every respect as for the Repair of the Churches of such Parishes and Places, and all the Laws in force for making, raising, levying and collecting Rates for the Repair of Churches, shall be applied and put in force for the raising, making, levying and collecting such Rates for the Repair of such Chapels, as fully and effectually to all Intents and Purposes as if the same were severally, separately and specially repeated and re-enacted in this Act for that Purpose, as to the Repairs of such Chapels; any thing in the said recited Acts, or any other Act or Acts of Parliament to the contrary notwithstanding.

Chapels belonging to Parishes with or without Districts assigned, to be repaired by the Parishioners at large, in the same manner as the Church of the Parish.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, in any case in which any Division of any Parish already divided, or which may hereafter be divided under the Provisions of the said recited Acts or this Act, shall be again divided, and on which any Church or Chapel shall be built or acquired and appropriated, for the Use of any such new Division, by any Instrument under the Seal of the said Commissioners, to declare that all Liability to any Repairs of the Church or Chapel of the Division

Commissioners may exonerate new Subdivisions of Division of Parish divided, or to be divided from Repair of Church of such Division.

from which such new Division shall be so made as aforesaid, shall cease from the Period specified in any such Instrument; and thereupon, from and after such Period, the new Division in which any such Church or Chapel shall be built, acquired and appropriated, shall be liable only to the Repairs of such Church or Chapel, and to the Repairs, for whatever Periods shall remain of the Twenty Years under the said recited Act, of the Church of the original Parish; any thing in the said recited Acts to the contrary notwithstanding.

Commissioners, with Consent of Bishop, &c. may apportion or charge Glebe, Tithes, &c. as herein mentioned.

XXII. And be it further enacted, That it shall and may be lawful for the said Commissioners, with the Consent of the Bishop and Patron entitled in Fee Simple, in cases where the said Commissioners may not deem it expedient to divide any Parish for Ecclesiastical Purposes, or create separate Districts for Ecclesiastical Purposes therein, either to make a permanent Rent Charge on or to apportion any Portion not exceeding a Moiety of the Glebe Lands, Tithes, Moduses or other Emoluments, for the Benefit of the Incumbent of or Person serving any such Chapel or Chapels in any such Parish, as in their Discretion they may think expedient: Provided always, that the Presentation of every such endowed Chapel shall be vested in the Patron of the Church to which such Chapel or Chapels may appertain.

Commissioners may, with Consent of Owners, transfer Pew Rights from existing Churches to new Churches, &c. of Divisions, for making Free Seats.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners to transfer any Rights to any Pews, with the Consent of the Owners thereof, in any existing Church or Chapel, belonging to any Person residing in any Division of any Parish or Place in which any new Church or Chapel shall have been or shall be built, acquired or appropriated under the Provisions of the said recited Acts, to the Church or Chapel of the Division in which any such Person or Persons shall reside, for the Purpose of enabling the said Commissioners to make or increase the Number of Free Seats in the Church or Chapel from which such Rights shall be transferred; and the Persons from whom any Pews shall be so taken for such Purpose as aforesaid, and to whom any Pews in lieu of their former Pews shall be assigned by the said Commissioners in any other Church or Chapel, shall have, hold and enjoy the same respective Rights and Titles to the Pews so assigned, as they respectively had, held and enjoyed in their former Pews, or such Right and Title as shall be directed and set forth in such Assignment in lieu thereof, without any Faculty, Instrument or other Process than such Assignment as aforesaid; and every such Assignment shall be registered in the Registry of the Diocese in which the Church or Chapel shall be, and a Duplicate thereof deposited in the Chest of the Church or Chapel in which any such Pew shall be so assigned as aforesaid: Provided always, that no larger or greater or other Right shall be given to any Pew in any new Church or Chapel, upon any such Transfer, than belonged to the Owner, Proprietor or Occupier of the Pews in the existing Church or Chapel, in the Pews in respect of which any such Transfer shall be made.

No greater Right given on Transfer of Pews.

Regulation as to letting of Pews.

XXIV. And be it further enacted, That in every case in which Rents shall have been fixed upon the Pews in any Church or Chapel under the Provision of the said recited Acts for the Purposes therein specified, Notice shall be given for Six successive Weeks

at the End of each Year of all the Pews which are vacant or which will become vacant at the Commencement of the next Year, by affixing the same in Writing upon the Doors of the Church or Chapel and Vestry Room thereof respectively; and all such Pews as shall not be taken at the Rent respectively fixed thereon within Fourteen Days after the Commencement of the ensuing Year, shall in every such case be let to any Inhabitant of any adjoining Parishes or Places in which there shall not be sufficient Accommodation in the Churches and Chapels of the Parish or Place for the Inhabitants thereof, at the Rent respectively so affixed upon such Pews, for any Term not exceeding the End of the Year; and at the Expiration of the Year, and also of every succeeding Year in which any such Pews shall be rented by Inhabitants of any adjoining Parishes, such Pews shall be inserted in the List of vacant Pews, to be taken in Preference by the Inhabitants of the Parish or Place to which the Church or Chapel shall belong; and all such Pews as may not be so taken by any Inhabitant of the Parish or Place, may again be let, and so on from Year to Year, to any Inhabitants of any adjoining Parish or Place; any thing in the said recited Acts to the contrary notwithstanding.

Preference.

XXV. Provided always, and be it further enacted, That in case any Inhabitant to whom any Lease or Demise of any Pew, Seat or Sitting in Church or Chapel, of the Parish or Place or Division or District of which he shall be an Inhabitant, shall be granted for any longer Term than One Year, shall cease to be an Inhabitant of the said Parish, Place, Division or District, or shall discontinue his or her Attendance at the Church or Chapel for the Space of any One Year, then and in every such case his, her or their Lease, Demise, Term, Estate and Interest in such Pew, Seat or Sitting respectively, shall, at the End or Expiration of the then current Year of the said Term or Period, cease and determine to all Intents and Purposes whatsoever; and such Pew, Seat or Sitting shall and may be again let in like manner hereinbefore mentioned.

For Avoidance of Pew Leases.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners to authorize and empower any Parish, Chapelry, Township or extra parochial Place, which shall be desirous of procuring a Burial Ground, or adding to any existing Church or Chapel Yard or Cemetery, to procure and purchase any such Land or Ground as may in the Opinion of the Commissioners be sufficient and properly situated for a Church or Chapel Yard or Burial Ground, or as an Addition to any existing Church or Chapel Yard or Cemetery (whether such Land or Ground shall be situated within the Parish or Place for the Use of which the same shall be intended), and to make, raise, levy and collect Rates for Purchase thereof, or for the Repayment with Interest of any Money borrowed for the making such Purchase, at such times and in such proportions as shall be agreed upon with the Person or Persons advancing any such Money and approved of by the said Commissioners; and the Churchwardens or Chapelwardens or Persons authorized under the said recited Acts to make Rates for any of the Purposes of the said recited Acts, of any such Parish, Chapelry, Township or extra parochial Place, may and shall in every such case use and exercise all the Powers and Authorities in the said recited Acts, for the Purpose of making and completing such

Commissioners may authorize Parishes to procure and buy additional Burial Grounds.

Churchwardens empowered to complete Purchases.

Purchases, and also all the Powers and Authorities in the said recited Acts specified, as to making, raising and levying any Rates for any of the Purposes of the said recited Acts; and when any such Land or Ground so purchased shall be situate out of the Bounds of the Parish or Place for which the same is intended, the same shall after Consecration become and be deemed Part of such Parish or Place; any thing in any Act, Law or Custom to the contrary notwithstanding.

Land purchased deemed Part of Parish.

59 G. 3. c. 134. § 21.

'XXVII. And Whereas Provision is made in the said recited 'Act of the Fifty ninth Year aforesaid, for authorizing the remitting and allowing of Duties of Customs and Excise upon Materials used in the building of Churches or Chapels under the 'Provisions of the said recited Acts; and Doubts may arise as to 'the allowing or remitting of such Duties in cases of rebuilding, 'or enlarging or increasing the Accommodation of any Churches 'Chapels;' For Remedy and Prevention thereof, be it therefore further declared and enacted, That it shall be lawful for the Commissioners of Customs and Excise of *England*, *Ireland* and *Scotland* respectively, with the Consent and under the Authority in Writing of the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or of any Three or more of the Commissioners of His Majesty's Treasury for the time being respectively, to remit all or any Proportion of the Duties of Customs or Excise respectively, or to order the same to be drawn back or repaid, for, upon or in respect of any Stone, Slate, Bricks, Timber or other Materials, which shall have been or shall be *bond fide* procured for, and have been or shall be used in the rebuilding or enlarging or increasing the Accommodation of any Churches or Chapels under the Provisions of the said recited Acts or this Act, or which have been built or enlarged or increased with the Approbation of the Commissioners (and which Approbation may be at any time certified under their Seal); and such Duties shall, in every such case, be remitted, drawn back or repaid, as the case may be, under such Rules, Regulations and Restrictions, and in such manner as shall be ordered and directed by the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury in that behalf; any thing in any Act or Acts of Parliament to the contrary notwithstanding.

Commissioners of Customs and Excise, with Consent of Treasury, may remit Duties on Materials for rebuilding, &c. Churches.

59 G. 3. c. 134. § 35.

'XXVIII. And Whereas by the said recited Act of the Fifty 'ninth Year aforesaid, the Commissioners for managing the Duties 'upon Stamped Vellum, Parchment and Paper, are authorized 'to allow the full Amount of Stamp Duties upon Instruments 'made in relation to the said recited Acts; and it is expedient 'to make other Provisions in relation to such Stamp Duties;' Be it therefore enacted, That no Deed of Gift or Grant, Security, Contract, Agreement, Deed or Conveyance, or other Instrument made for any of the Purposes in the said recited Acts mentioned, or for any other of the Purposes or under any of the Provisions in the said recited Acts or either of them, or of this Act, or for the carrying into execution any of the Powers, Authorities, Regulations, Purposes or Provisions thereof, or therein mentioned respectively, shall be subject to any of the Duties upon Stamped Vellum, Parchment or Paper; any thing in any Act or Acts of Parliament to the contrary notwithstanding.

Grants, Instruments, Contracts, or Bonds, not subject to Stamp Duty.

XXIX. And

Titles to Sites not to be questioned after Five Years elapsed from Conveyance to Commissioners, &c.

XXIX. And be it further enacted, That from and after the Expiration of Five Years after the Transfer or Conveyance of any Messuages, Lands, Grounds, Tenements or Hereditaments, to the said Commissioners, or to any Person or Persons for the Use of any Parish or Place, as a Site for any Church or Chapel, or any Church or Chapel Yard or Cemetery, whether such Transfer or Conveyance shall have been by Gift or Grant, or upon or in pursuance of any Sale or Purchase under the Provisions of the said recited Acts or this Act, although no Church or Chapel shall have been before the Expiration of the said Five Years erected or built and consecrated upon such Site, the said Messuages, Lands, Grounds, Tenements or Hereditaments shall become, and be and remain absolutely vested in such Commissioners, or the Person or Persons to whom the same were conveyed, for the Purposes of the said Acts and this Act, free from all Demands or Claims of any Body Politic or Corporate, or Person or Persons whatever, and without being thereafter subject to any Question as to any Right, Title or Claim thereto, or in any manner affecting the same.

Commissioners may transfer Endowments, &c. of existing Churches, &c. to Churches built in lieu thereof, upon Conditions herein mentioned.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Instrument under Seal, with the Consent of the Ordinary and of the Patron and Incumbent of any Parish or Place in which any new Church or Chapel shall have been built, or shall be built, acquired or appropriated for the Use of such Parish or Place, instead of the old Church or Chapel of such Parish or Place, under the Provisions of the said recited Acts or this Act, to authorize and direct the Transfer of the Endowments, Emoluments or Rights of or belonging to the old or existing Church or Chapel of such Parish or Place, or to the Minister for the time being thereof, to any such new Church or Chapel so built, acquired or appropriated in such Parish or Place, and to the Minister thereof for the time being and his Successors; and it shall be lawful in every such case for any Trustees of any Chapel, or of any Rights, Emoluments or Endowments of or belonging to any Church or Chapel, or to the Incumbent of any Church or Chapel for the time, and they are hereby required to transfer all such Rights, Emoluments and Endowments according to the Direction of the said Commissioners as aforesaid; Provided always, that in every such case the Inhabitants of the Parish or Place in which such new Church or Chapel shall be built, shall raise and pay to the said Commissioners towards the Expences of such new Church or Chapel, either by Subscription or Rate, such Sum at the least as would have been necessary for the Repair of the old Church or Chapel, in case such new Church or Chapel had not been built, and such further Sum as the Inhabitants of such Parish or Place would have been liable to raise in such Parish or Place, for any Purposes relating to the effectual and sufficient Reparation of and maintaining such old Church or Chapel, or the Cemetery thereof, or any other Expence incident thereto, or to which such Parish or Place would have been liable in respect thereof, in case such new Church or Chapel had not been built; and immediately from and after any such Transfer as aforesaid, all Tithes or Tenths, Moduses or other Compositions for Tithes or Tenths, and all Emoluments, Dues, Fees, Offerings, Oblations, Obventions and other

Inhabitants where new Church built to contribute.

Proviso respecting Tithes, &c.

Profits and Advantages, and all Messuages, Glebe and other Lands, Tenements or Hereditaments, Rents, Sums of Money or Real or Personal Chattels whatsoever, and all Rights and Privileges wheresoever, and of what Nature or Kind soever, wherewith any such old or existing Church or Chapel then is, or at any Time theretofore had or ought to have been, or at the Time of such Substitution of such new Church or Chapel for any such old or existing Church or Chapel, may be endowed, or to which the Minister thereof then is, or at any Time theretofore was or ought to be entitled, with all the respective Rights, Privileges, Members, Easements and Appurtenances thereto belonging, or in any wise appertaining, or to or with the same, or any Part thereof, had, held, used or enjoyed, or accepted, reputed, deemed, taken or known as Part, Parcel or Member thereof, or as belonging to such Minister; and the same, together with all Reversion and Reversions, Remainder and Remainders, yearly and other Rents, Issues, Estates, Rights, Interests, Dividends, Emoluments and Profits, of all and singular any such Messuages, Lands, Hereditaments, Rents or Sums of Money, shall severally and respectively become and be vested in the Parson or Minister for the time being of the new Church or Chapel, and his Successors for ever, in as full and ample a manner as the Parson or Minister of the old or existing Church or Chapel might or could have had, received and enjoyed the same, in case such Substitution or Transfer had not been made and passed; and every such Substitution and Transfer shall be registered in the Registry of the Diocese within which the Place shall be locally situate, and enrolled in the High Court of Chancery; and all Acts of Parliament, Laws and Customs relating to the publishing of Banns of Marriage, and Celebration of Marriages, Christenings, Churchings and Burials, and the respective registering thereof, and to all Ecclesiastical Fees, Oblations and Offerings, shall apply to every such new Church, in like manner in any respect as to the old Church of the Parish or Place.

Vested in Parson of the old Church, &c.

Transfer registered and enrolled.

Acts, &c. to apply to new Church, &c.

Appointment of Ecclesiastical Persons to serve new Churches or Chapels, built by Aid from Commissioners, in certain Cases to belong to Diocesan.

XXXI. And be it further enacted, That in every case in which the Commissioners shall build or grant any Sum of Money in Aid of the building of any new Church or Chapel, in any Parish or Place in which the Patronage of or Nomination or Appointment of the Ecclesiastical Person to serve such Church or Chapel shall not belong to His Majesty, or to any Body Politic or Corporate or Collegiate, or any Corporation Sole or Aggregate, or to any Trustees, Commissioners, Directors or other Persons having the Charge, Care or Management of any public or charitable Institution, or to any Trustees of any Church or Chapel, or to any private Person, it shall be lawful for the said Commissioners, by any Instrument under Seal, to declare that such Patronage, Nomination or Appointment shall, either for ever, or for such time and in such manner as the said Commissioners shall direct, go to or be exercised by the Bishop of the Diocese within whose Jurisdiction as Diocesan such Parish or Place shall be, or if exempt from such Jurisdiction, then by the Bishop of the Diocese in which such Parish or Place shall be locally situate; any thing contained in any Act or Acts of Parliament, or Law or Laws, or any Usage or Custom, to the contrary notwithstanding.

Commissioners may, under

'XXXII. And Whereas Doubts have arisen whether the Com-

'missioners

'missioners are empowered to use, exercise and enforce certain of 'the Provisions of the said recited Acts and this Act, in Aid of 'the Parishes and Places in certain cases not within the Limita- 'tions of the said recited Acts, with respect to the Population or 'Extent of such Parishes or Places, or which may not come within 'any of the Regulations of the said recited Acts or this Act, in 'respect of any Advances or Loans in Aid of such Parishes, or in 'which Parishes or Places cannot comply with the Regulations 'and Restrictions contained in the said recited Acts or this Act;' Be it therefore declared and enacted, That it shall be lawful for the said Commissioners, in any case in which they shall, under the special Circumstances of any Parish or Place which shall not be within any of the Provisions of the said recited Acts or this Act, deem it expedient, and they are hereby authorized and empowered to use, exercise and put in Execution all or any of the Provisions of the said recited Acts or this Act, relating to the procuring or taking of any Land or Ground, for the Purpose of procuring for any such Parish or Place, or of aiding in the procuring for any such Parish or Place, any Land or Ground for any of the Purposes of the said recited Acts or this Act, or for the Purpose of carrying into Execution any of the Provisions of the said recited Acts or this Act with respect to the Division or Consolidation of any Parish or District: Provided nevertheless, that the Commissioners shall in every such case enter in their Proceedings the Nature of the Special Grounds and Circumstances under which they shall deem it expedient so to act.

Special Circumstances to be recorded in their Proceedings, act for procuring Land, &c. for Parishes not within recited Acts.

Commissioners to enter such Special Circumstances.

'XXXIII. And Whereas Doubts have arisen and may arise as 'to Grants made by the said Commissioners, in cases in which 'Trusts have been created by Acts of Parliament or otherwise, in 'relation to the Churches or Chapels for which such Grants have 'been or may be made, and whether the making such Grants may, 'under the Provisions of the said recited Acts and this Act, inter- 'fere with such Trusts;' For Remedy and Prevention whereof, be it therefore declared and enacted, That it shall be lawful for the said Commissioners to make any Grant or Grants in relation, or confirm any Grant or Grants heretofore made for any Church or Chapel in relation to which any Trusts have been created by any Act or Acts of Parliament, or any Deed or Deeds, or Instrument of Consecration, which may not in all respects concur with the Provisions of the said recited Acts or this Act, and to declare at the Time of making or confirming any such Grant, that any such Trusts shall notwithstanding remain and continue in full Force: Provided always, that the Commissioners shall, in any such case, enter in their Proceedings the Special Grounds upon which every such Grant has been made and confirmed; and in every such case such Trusts shall remain and continue in full Force, any thing in the said recited Acts or this Act, or in the said Trusts and Regulations, to the contrary notwithstanding.

Commissioners may make or confirm Grants herein mentioned.

Commissioners to enter Circumstances.

XXXIV. And be it further enacted, That in every case in which any Grant shall have been or shall be made of any Land or Ground, for any of the Purposes of the said recited Acts or this Act, as a Gift, or without any pecuniary Consideration being paid for the same, and in which the Commissioners shall determine not to apply such Land or Ground to any of the Purposes of the said recited

Commissioners may reconvey Land given for Purposes of Acts, and not used, to Grantors, or their Heirs or Suc

cessors, or apply it otherwise with consent of Grantor.

recited Acts or this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to exchange any such Land or Ground for any other Land or Ground which may, in the Judgment of the said Commissioners, be more eligible for the Purpose for which the same was given; or with the Consent of the Grantor or Grantors thereof, or their Heirs or Successors, to apply such Land or Ground to any other Ecclesiastical Purposes, either as Glebe or otherwise, for the Use of the Incumbent of the Parish or Place, or for the Purpose of any parochial or charitable School, or any other charitable or public Purpose relating to any such Parish or Place; or to reconvey, without requiring, taking or receiving any pecuniary Consideration for such Reconveyance, any such Land or Ground, or any Part thereof, in case only a Part of any such Land or Ground shall have been applied to the Purposes of the said recited Acts or this Act, to the Grantor or Grantors thereof, or their Heirs or Successors; any thing in the said recited Acts or this Act to the contrary notwithstanding.

Proviso for the Powers of Acts relating to any particular Parish.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter, vary or affect, any Powers, Authorities, Clauses or Provisions contained in any Act or Acts of Parliament passed in the last Session of Parliament, or which may be passed in this present Session of Parliament, relating to any particular Parish or Place, or to authorize or empower the Commissioners under the said recited Acts or this Act, to make or enforce any Order, Direction or Regulation under the Provisions of the said recited Acts or this Act, so as to alter or affect any such Powers or Authorities as aforesaid or otherwise, contrary to any Clause or Provision contained in any such Act or Acts of Parliament relating to any particular Parish or Place; and that all the Powers, Authorities, Clauses, Regulations and Provisions in such local Acts contained, shall remain in full Force, and be used, enforced and applied in the same manner and by the same Persons, as if this Act had not passed; any thing in this Act to the contrary notwithstanding.

And for Powers of Bishops, &c.

XXXVI. Provided always, and be it further enacted and declared, That neither this Act nor the said recited Acts, nor any thing therein or herein contained, nor any Act, Matter or Thing done by or under the Authority of the same, or of the Commissioners under the said recited Acts or this Act, shall extend to invalidate or avoid any Ecclesiastical Law or Constitution of the Church of *England*, or to destroy any of the Rights or Powers belonging to any Bishop of any Diocese, or any Archdeacon, Chancellor or Official.

Bishops, &c. may exercise Ecclesiastical Jurisdiction.

XXXVII. And be it further enacted and declared, That every Bishop of any Diocese and every Archdeacon, Chancellor and Official respectively, may at all times hereafter visit, institute and exercise Ecclesiastical Jurisdiction in all the Parishes to be erected or divided by virtue or in pursuance of this Act, and in every Division or District into which any Parish may be divided under the Provisions of the said recited Acts or this Act, and in relation to every Church and Chapel within the same, as amply as they or any of them may do now therein, and in such manner as in any other

other Parishes or Places within his or their Dioceses or Jurisdictions respectively.

XXXVIII. And be it further enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament. Act may be altered, &c. this Session.

CAP. LXXIII.

An Act for raising a Loan of Seven Millions five hundred thousand Pounds from the Commissioners for the Reduction of the National Debt. [22d *July* 1822.]

'Most Gracious Sovereign,

'WHEREAS an Act passed in the Parliament of *Great Britain*, in the Twenty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for vesting certain Sums in Commissioners at the End of every Quarter of a Year, to be by them applied to the Reduction of the National Debt:* And Whereas an act passed in the Parliament of *Ireland*, in the Thirty seventh Year of the Reign of His said late Majesty, intituled *An Act for vesting a certain Fund in Commissioners at the End of every Quarter of a Year, to be by them applied to the Reduction of the National Debt; and to direct the Application of additional Funds, in case of future Loans, to the like Purposes:* And Whereas an Act passed in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, in the Fifty sixth Year of the Reign of His said late Majesty, intituled *An Act to unite and consolidate into One Fund all the Public Revenues of* Great Britain *and* Ireland, *and to provide for the Application thereof to the general Service of the United Kingdom;* and by the said last recited Act it is among other things enacted, that so much of the said hereinbefore recited Act of the Parliament of *Ireland*, or of any Act for amending the same, as directs that certain Persons shall be Commissioners for carrying into Execution the Purposes of the said Act of the Parliament of *Ireland*, shall be and the same is thereby repealed; and that from and after the Fifth Day of *January* One thousand eight hundred and seventeen, the Commissioners for the Reduction of the National Debt of *Great Britain* shall be and become Commissioners for the Reduction of the National Debt of the United Kingdom, and that the said Commissioners shall have all such Powers and Authorities as are or may be given in and by any Act or Acts in force in *Great Britain* or *Ireland*, relative to the Reduction of the National Debt of *Great Britain* or the National Debt of *Ireland;* and that the several Sums which, under and by virtue of several Acts in force in *Great Britain* and *Ireland* respectively, are required to be set apart at the Receipt of the Exchequer of *Great Britain* and the Receipt of the Exchequer of *Ireland* respectively, on account of the Commissioners for the Reduction of the National Debt of *Great Britain*, and of the National Debt of *Ireland*, shall continue to be so set apart; and that all such Sums so set apart, or any Part or Parts thereof, shall and may be issued and paid from time to time into the Bank of *England* or into the Bank of *Ireland*, as shall be directed and required by the Lord

'High

See c. 89. post.
26 G. 3. c. 31.
37 G. 3. (I.)
56 G. 3. c. 98. § 13.

'High Treasurer, or the Commissioners of His Majesty's Trea-
'sury of the United Kingdom of *Great Britain* and *Ireland*, for
'the time being, and shall be from time to time applied, under
'the Direction of the Commissioners for the Reduction of the
'National Debt, in the Purchase of such Capital Stock, Funds,
'Debentures or Annuities, or towards any Public Loan, either in
'*Great Britain* or *Ireland*, as shall seem most expedient to the
'said Commissioners for the Reduction of the National Debt of
'the United Kingdom; and that the Order of the said Commis-
'sioners for the Reduction of the National Debt of the United
'Kingdom, shall at all times be sufficient Authority to the Gover-
'nor and Company of the Bank of *England*, and of the Bank of
'*Ireland*, for the Application of any Part of the Money from time
'to time remaining in the Bank of *England* or Bank of *Ireland*, on
'account of the said Commissioners, to the Purchase of any
'Stock, Funds, Debentures or Annuities, or towards any Public
'Loan in *Great Britain* or *Ireland*: And Whereas the Commons
'of the United Kingdom of *Great Britain* and *Ireland*, in Par-
'liament assembled, toward raising the necessary Supplies, have
'resolved, that the Sum of Seven millions five hundred thousand
'Pounds be raised by Annuities in manner hereinafter men-
'tioned: And Whereas the Commissioners under the said recited
'Act have agreed to subscribe the said Sum of Seven millions five
'hundred thousand Pounds in manner hereinafter mentioned;
'that is to say, Seven millions three hundred and fifty thousand
'Pounds in *Great Britain*, and One hundred and fifty thousand
'Pounds *British* Currency, being One hundred and sixty two
'thousand five hundred Pounds *Irish* Currency, in *Ireland*:' May
it therefore please Your Majesty that it may be enacted; And
be it enacted by the King's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Tempo-
ral, and Commons, in this present Parliament assembled, and by
the Authority of the same, That all the Monies which have here-
tofore been issued, or are required or directed by any Act or Acts
of Parliament to be issued to the said Commissioners for the Re-
duction of the National Debt of the United Kingdom, shall con-
tinue to be issued and placed to the Account of the said Com-
missioners as heretofore.

The Money heretofore issued to Commissioners of National Debt shall continue to be so issued.

II. And be it further enacted, That the said Commissioners
shall and they are hereby required, out of the Monies which shall
be issued and carried to their Account after the passing of this
Act, to order and direct their Agent or Agents or proper Officers,
to pay into the Receipt of His Majesty's Exchequer at *West-
minster* on account of the said Loan of Seven millions five hun-
dred thousand Pounds so agreed to be subscribed and advanced
by the said Commissioners, the Sum of Two millions four hundred
thousand Pounds within the Quarter of the Year ending on the
Tenth Day of *October* One thousand eight hundred and twenty
two, the Sum of Two millions seven hundred thousand Pounds
within the Quarter of the Year ending on the Fifth Day of
January One thousand eight hundred and twenty three, and the
Sum of Two millions two hundred and fifty thousand Pounds
within the Quarter of the Year ending on the Fifth Day of *April*
One thousand eight hundred and twenty three, and to pay into
the

7,500,000l. to be paid by the Commissioners in the Proportions and at the Times herein mentioned.

the Receipt of His Majesty's Exchequer in *Dublin*, the Sum of One hundred and fifty thousand Pounds *British* Currency, being One hundred and sixty two thousand five hundred Pounds *Irish* Currency, in the Quarter of the Year ending on the Fifth Day of *April* One thousand eight hundred and twenty three, in such Proportions, and at such Times in each of such respective Quarters, as the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them for the time being, shall order and direct: Provided always, that no larger Sum in each Quarter than is before specified, and no further Sum in the Whole than Seven millions five hundred thousand Pounds, shall be so paid and advanced by the said Commissioners.

Commissioners to be entitled for every 100l. so advanced, to 100l. in the 3 per Cent. Reduced, and 24l. 10s. 7d. in the 3 per Cent. Consols.

III. And be it further enacted, That for every One hundred Pounds of the said Sum of Seven millions five hundred thousand Pounds so paid, advanced and contributed by the said Commissioners as aforesaid, the said Commissioners shall be entitled to the Principal Sum of One hundred Pounds in Annuities after the Rate of Three Pounds *per Centum*, to commence from the Tenth Day of *October* One thousand eight hundred and twenty two, and to be added to and made One Joint Stock with certain Annuities after the Rate of Three Pounds *per Centum* which were reduced from Four Pounds to Three Pounds *per Centum* by an Act made in the Twenty third Year of the Reign of His late Majesty King *George* the Second, and to be payable and transferrable at the Bank of *England* at the same time and in the same manner, and subject to the like Redemption, as the said Three Pounds *per Centum* Reduced Annuities; and to the further Principal Sum of Twenty four Pounds Ten Shillings and Seven Pence in Annuities after the Rate of Three Pounds *per Centum*, to commence from the Fifth Day of *January* One thousand eight hundred and twenty three, and to be added to and made One Joint Stock with the Three Pounds *per Centum* Annuities consolidated by the Acts of the Twenty fifth, Twenty eighth, Twenty ninth, Thirty second and Thirty third Years of the Reign of His late Majesty King *George* the Second, and by several subsequent Acts, and to be payable and transferrable at the Bank of *England* at the same time and in the same manner, and subject to the like Redemption, as the said Three Pounds *per Centum* Consolidated Annuities, which said respective Annuities shall be made Capital Stock in the Names of the said Commissioners; and the Dividends payable thereon shall be charged and chargeable upon, and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or any other Duties and Revenues which shall be appropriated for that Purpose by any Act or Acts of this present Session of Parliament; and such Capital Stock, and the Annuities arising therefrom, shall be deemed Part of the Stock and Annuities applicable by the said Commissioners to the Purposes of the Sinking Fund, and Annual Sums shall be issued for the Redemption thereof as a Sinking Fund, according to the Provisions of an Act passed in the Thirty second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to render more effectual an Act made in the Twenty sixth Year of His present Majesty's Reign, intituled 'An Act for vesting certain Sums in Commissioners 'at the End of every Quarter of a Year, to be by them applied to* 32 G. 3. c. 55.

'*the*

'*the Reduction of the National Debt*;' *and to direct the Application of an additional Sum to the Reduction of the said Debt in case of future Loans*; and of another Act passed in the Fifty third Year of the Reign of His late Majesty, intituled *An Act to alter and amend several Acts passed in His present Majesty's Reign, relating to the Redemption of the National Debt, and for making further Provision in respect thereof:* Provided always, that the first Quarterly Issue from the Exchequer of the said Sinking Fund for the Redemption of the said Stock created by virtue of this Act, shall commence on the Fifth Day of *April* One thousand eight hundred and twenty three.

53 G. 3. c. 35.

When the above Sum is paid into the Exchequer, the Auditors to grant Certificates, in which Amount of the 3 per Cent. Consols and Reduced shall be specified; and on Production at the Bank of such Certificates, the Stock shall be placed to the Credit of the Commissioners, who shall be entitled to the Dividends.

IV. And be it further enacted, That when the whole of the said Sum of Seven millions three hundred and fifty thousand Pounds shall have been paid into the Exchequer at *Westminster*, and the whole of the further Sum of One hundred and fifty thousand Pounds *British* Currency shall have been paid into the Exchequer in *Dublin*, by or on behalf of the said Commissioners, the Auditor of the said Exchequer at *Westminster* shall certify to the Commissioners for the Reduction of the national Debt, that the Sum of Seven millions three hundred and fifty thousand Pounds has been so paid; and a similar Certificate shall be granted by the Auditor of the Exchequer in *Dublin*, or other proper Officer, that the whole of the said Sum of One hundred and fifty thousand Pounds *British* Currency has been paid into the Exchequer in *Dublin*; which Two Certificates the said Auditors or other proper Officers shall cause to be transmitted to the Commissioners for the Reduction of the National Debt, at their Office in *London*; and upon the Production and Deposit of the said Two Certificates with the Accountant General of the Bank of *England*, the Governor and Company of the said Bank shall thereupon cause the Amount of the Three Pounds *per Centum* Consolidated and Reduced Bank Annuities, at the said Rate of One hundred Pounds of Three Pounds *per Centum* Reduced Annuities, and Twenty four Pounds Ten Shillings and Seven Pence Three Pounds *per Centum* Consolidated Annuities, for every One hundred Pounds subscribed and paid by or on behalf of the said Commissioners in pursuance of this Act, to be written and entered to the Credit of the Account of the said Commissioners in the Books kept by the said Governor and Company for entering the Account of the said respective Annuities; and the said Commissioners shall, after the Production and Deposit of the said Certificates at the said Bank, be entitled, at the next Half yearly Period for the Payment of the Dividends upon the Three Pounds *per Centum* Consolidated and Reduced Annuities respectively which shall ensue after the full Payment of the said respective Sums of Seven millions three hundred and fifty thousand Pounds and One hundred and fifty thousand Pounds, to receive the Dividends upon the Amount of the said Three Pounds *per Centum* Consolidated and Reduced Annuities which shall have been entered to the Credit of the Account of the said Commissioners, from the Period when such Dividends are directed to commence by this Act.

Treasury may issue the Money to such Services

V. And be it further enacted, That it shall and may be lawful for any Three or more of theCommissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High

High Treasurer of the said United Kingdom for the time being, to issue and apply from time to time all such Sums of Money as shall be so paid into the Receipt of His Majesty's Exchequer to such Services as shall have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

as shall have been voted.

VI. And be it further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and the Governor and Company of the Bank of *Ireland* respectively, to advance or lend to His Majesty, at the Receipt of His Majesty's Exchequer at *Westminster*, or at the Receipt of His Majesty's Exchequer in *Dublin*, upon the Credit of the several Sums to be subscribed and advanced by the Commissioners for the Reduction of the National Debt in pursuance of this Act, any Sum or Sums Money not exceeding in the Whole the Amount of Seven millions five hundred thousand Pounds raised in virtue of this Act, any Act or Acts to the contrary notwithstanding; so that no greater or higher Sum, by way of Interest, Discount, Gratuity or other Consideration, shall be demanded or taken by such or any of the said Governors and Companies respectively, or by any Person on their Behalf, than at the Rate of Four Pounds *per Centum per Annum* for any Money so advanced.

Bank of England or Ireland may advance Money on the Credit of the Loan, after the Rate of 4 per Cent.

[*The Amount of the Charge of the Loan by this Act stated and provided for. See Cap.* 89. § 1. *post.*]

CAP. LXXIV.

An Act to amend the Laws relating to Bankrupts under Joint Commissions. [22d *July* 1822.]

'WHEREAS by the Laws now in force relating to Bankrupts, where a Joint Commission has issued against Two or more Persons, being Partners, under which Commission One or more and not all of the Bankrupts may be entitled to have such Commission superseded, but may be unable to obtain such Supersedeas without the Consent of some or One of the Bankrupts not entitled to or not consenting to such Supersedeas, which may be attended with great Inconvenience:' May it please Your Majesty that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where a Joint Commission of Bankruptcy has issued, or shall hereafter issue, against Two or more Persons, it shall be lawful for the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, to supersede such Joint Commission as to One or more of the Bankrupts, without Prejudice to the Validity of the Commission as to such One or more of the Bankrupts as to whom such Commission is not ordered to be superseded, or as to his, her or their Certificate or Certificates; but such Commission and Certificate, as to him, her or them, shall continue in full Force and Operation.

Where a Joint Commission of Bankruptcy has issued, it may be superseded as to One or more of the Bankrupts, without Prejudice to the Commission.

CAP.

CAP. LXXV.

An Act to amend certain Provisions of the Twenty sixth of *George* the Second, for the better preventing of Clandestine Marriages. [22d *July* 1822.]

26 G. 2. c. 33. § 11.

'WHEREAS it is amongst other Things provided, by an 'Act passed in the Twenty sixth year of the Reign of His 'late Majesty King *George* the Second, intituled *An Act for the 'better preventing of Clandestine Marriages*, that all Marriages 'solemnized by Licence after the Twenty fifth Day of *March* One 'thousand seven hundred and fifty four, where either of the Par- 'ties (not being a Widower or a Widow) shall be under the Age 'of Twenty one Years, which shall be had without the Consent of 'the Father of such of the Parties so under Age (if then living) 'first had and obtained, or if dead, of the Guardian or Guardians 'of the Person of the Party so under Age, lawfully appointed, or 'One of them, and in case there shall be no such Guardian or 'Guardians, then of the Mother (if living and unmarried), or if 'there shall be no Mother living and unmarried, then of a Guar- 'dian or Guardians of the Person appointed by the Court of 'Chancery, shall be absolutely null and void, to all Intents and 'Purposes whatsoever: And Whereas great Evils and Injustice 'have arisen from such Provisions:' For Remedy hereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Statute as is hereinbefore recited, as far as the same relates to any Marriage to be hereafter solemnized, shall be and the same is hereby repealed.

Repealed.

Marriages solemnized by Licence without Consent required by recited Act, how far good.

II. And be it further enacted, That in all cases of Marriage had and solemnized by Licence before the passing of this Act, without any such Consent as is required by so much of the said Statute as is hereinbefore recited, and where the Parties shall have continued to live together as Husband and Wife, till the Death of one of them, or till the passing of this Act, or shall only have discontinued their Cohabitation for the Purpose, or during the pending of any Proceedings touching the Validity of such Marriage, such Marriage, if not otherwise invalid, shall be deemed to be good and valid to all Intents and Purposes whatsoever.

Act not to render valid any Marriage declared invalid;

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to render valid any Marriage declared invalid by any Court of competent Jurisdiction, before the passing of this Act, nor any Marriage where either of the Parties shall at any time afterwards, during the Life of the other Party, have lawfully intermarried with any other Person.

Nor Marriage declared invalid on Trial.

IV. Provided also, That nothing in this Act contained shall be taken or deemed to render any Marriage valid, the Invalidity of which has been established before the passing of this Act, upon the Trial of any Issue touching its Validity, or touching the Legitimacy of any Person alleged to be the Descendant of the Parties to such Marriage.

Nor Marriage where Validity

V. Provided also, That nothing in this Act contained shall be taken or deemed to render valid any Marriage, the Validity of

which, or the Legitimacy of any Person alleged to be the lawful Descendant of the Parties married, has been duly brought into Question in Proceedings in any Causes or Suits in Law or Equity in which Judgments or Decrees or Orders of Court have been pronounced or made, before the passing of this Act, in consequence of or from the Effect of Proof in Evidence having been made in such Causes or Suits of the Invalidity of such Marriage, or the Illegitimacy of such Descendant.

or Legitimacy of Children, brought into Question, &c.

VI. Provided further, and be it further enacted, That if at any time before the passing of this Act any Property, Real or Personal, has been in any manner possessed, or any Title of Honour has been in any manner enjoyed by any Person or Persons whomsoever, upon the Ground, or upon the Pretence, or under Colour of the Invalidity of any Marriage, by reason that it was had and solemnized without such Consent as aforesaid, then and in such Case, although no Sentence or Judgment has been pronounced in any Court against the Validity of such Marriage, the Right and Interest in such Property or Title of Honour shall in no manner be affected or prejudiced by this Act, or any thing herein contained, but shall remain and be the same to all Persons, and to all Intents and Purposes, as if this Act had never been made.

Property or Title of Honour on the Ground of Invalidity of Marriage not affected by this Act.

VII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect or call in question any Act done before the passing of this Act under the Authority of any Court, or in the Administration of any Personal Estate or Effects, or the Execution of any Will or Testament, or the Performance of any Trust.

Proviso for Acts done under the Authority of any Court, &c.

VIII. And be it further enacted, That no Licence for any Marriage shall, from and after the First Day of *September* in the Year of our Lord One thousand eight hundred and twenty two, be granted by any Person having Authority to grant the same, until Oath shall have been made by the Persons and to the Effect required by this Act; and if such Licence shall be required for the Marriage of Parties, both or either of whom shall be alleged to be of the Age of Twenty one Years, such Parties shall respectively make Oath, that they are respectively, and that each of them believes the other to be, of the full Age of Twenty one Years or upwards; and if both Parties shall be under the Age of Twenty one Years, but shall be alleged to be a Widower and Widow, then each of such Parties shall make Oath accordingly, as to himself and herself, and as to his and her Belief with respect to the other Party; and if One of the Parties shall be of the Age of Twenty one Years, but the other Party shall be under that Age, and a Widower or Widow, both Parties shall make Oath accordingly, as to himself and herself, and as to his and her Belief with respect to the other Party; and if both or either of the Parties shall be under the Age of Twenty one Years, not being a Widower or Widow, both of such Parties shall make Oath accordingly, as to himself and herself, and as to his and her Belief with respect to the other Party; and in such case both Parties shall also make Oath that the Person or Persons whose Consent shall be required by Law to the Marriage of such Parties has been given, and has been signified in the manner required by this Act; and if both or either of the Parties shall be alleged to be of the Age of Twenty one Years, such Licence

No Licence granted till Oath be made to the Effect herein mentioned.

Of being of Age.

As to being a Widower or Widow.

As to Consent being duly given.

cence shall not be granted until there shall be produced, to the Person from whom such Licence shall be required, an Extract or Extracts from the Register of the Baptism of such Parties or Party so alleged to be of the Age of Twenty one Years, if such Register shall be in *England* and can be found; and each of such Extracts shall be proved upon Oath, by some other Person or Persons, to be a true Extract from such Register, and to relate to the Baptism of the Party to whom the same shall be alleged to relate, or according to the Belief of the Person making such Oath; but if such Register shall not be in *England*, or cannot be found, then such Licence shall not be granted, unless such Fact shall be proved upon Oath to the Satisfaction of the Person from whom such Licence shall be sought, and unless some Person or Persons, having Knowledge of the Party or Parties so alleged to be of the full Age of Twenty one Years, shall make Oath of the Fact that such Party or Parties is or are of that Age to the Knowledge or Belief of such Person or Persons so making Oath as aforesaid, stating the Grounds for such Knowledge or Belief; and in all cases, except cases of Special Licences to be granted by the Archbishop of *Canterbury* and his Officers, according to the Proviso for that Purpose in the said Act of the Twenty sixth Year of King *George* the Second, Oath shall also be made, by each of the Parties for whose Marriage a Licence shall be sought, of the Residence of such Parties for the Space of Four Weeks immediately before the granting of such Licence, according to the said Act of Twenty sixth Year of King *George* the Second.

As to Extracts from Registers of Baptism.

As to Party being of Age where no Register.

Consent of Parents or Guardians to be given in Writing, signed in the Presence of Two Witnesses, &c.

IX. And be it further enacted, That from and after the said First Day of *September*, the Consent of any Person or Persons whose Consent shall be required by Law to the Marriage of any Person under the Age of Twenty one Years, not being a Widower or Widow, shall be signified in Writing, signed by such Person or Persons, and the Signature thereto shall be attested by Two or more Witnesses, who shall subscribe their Names to an Attestation of such Signature; and such Consent shall fully describe the Person or Persons giving such Consent, and shall state whether such Person or Persons shall be authorized to give such Consent as lawful Parent or as lawful Guardian or Guardians of the Party to whose Marriage such Consent shall be given; and no Licence shall be granted, from and after the said First Day of *September*, for the Marriage of any Person under the Age of Twenty one Years, not being a Widower or Widow, unless such Consent in Writing shall be delivered to the Person from whom such Licence shall be sought, and unless one of the Witnesses to the signing of such Consent shall make Oath that he or she saw such Consent signed by the Person or Persons who shall appear to have signed the same, and also saw the other Witness to the Attestation of such Signature sign such Attestation, and that the Names of such Persons so subscribed to such Consent, and attesting the Signature thereof, are of the proper Handwriting of such Persons respectively; and some Person, not being One of the Parties for whose Marrigae such Licence shall be sought, shall also make Oath that the Person or Persons, who shall have signed such Consent as lawful Parent or lawful Guardian or Guardians of the Party to whose Marriage such Consent shall be required, is or are,

Oath by Witnesses.

to the best of his or her Knowledge and Belief, the lawful Parent or lawful Guardian or Guardians of such Party, and has or have Authority to give such Consent, and that the Person making such Oath well knows such Parent or Guardian or Guardians, and also the Party to whose Marriage such Consent shall be required.

Oaths to be taken before a Surrogate.

X. And be it further enacted, That all such Oaths as are required by this Act for the Purpose of obtaining any Licence shall be respectively sworn and taken before a Surrogate of the Person from whom any such Licence as aforesaid shall be sought, or before a Surrogate of some other Person having Power to grant Licences of Marriage; and if any Person or Persons in any Oath to be made and taken in pursuance of this Act, for the Purpose of obtaining any Licence of Marriage, shall knowingly and wilfully swear any Matter or Thing which shall be false or untrue, every Person so offending shall, on Conviction thereof, be deemed guilty of Perjury, and shall suffer the like Pains and Penalties, and incur the same Disabilities, as Persons guilty of wilful and corrupt Perjury are subject to and incur; and if any Person shall knowingly and wilfully obtain any Licence for the Marriage of such Person or of any other Person, by Means of any false Oath, or by Means of any false Instrument in Writing, contrary to the Provisions of this Act, knowing such Oath or Instrument to be false, such Person being thereof convicted by due course of Law, shall be deemed guilty of Felony, and shall be liable to Transportation for Life as a Felon; and if the Person convicted of such Offence shall be One of the Persons who shall have contracted Marriage by Means of such Licence, such Person shall forfeit and lose to the King's Majesty all Estate, Right, Title, Interest, Benefit, Profit and Advantage, which such Person may derive from or be entitled to by virtue of such Marriage, and such Forfeiture shall and may be disposed of in such manner as to His Majesty shall seem fit; any Grant of Forfeitures or other Matter or Thing to the contrary notwithstanding.

Obtaining Licence on false Oath, &c.

Perjury.

Felony.

In what case Forfeiture of Interest under the Marriage.

Oaths to be preserved by the proper Officer.

XI. And be it further enacted, That all and every the Oaths and Instruments required by this Act for the Purpose of obtaining any such Licence as aforesaid, shall be duly preserved by the proper Officer or Officers of the Person authorized by Law to grant such Licence, and shall for that Purpose be transmitted by the Officer from whom any such Licence shall be obtained, to the Registrar of the Diocese within which such Licence shall be granted, within Ten Days after such Licence shall have been granted, together with a Copy of the Licence so granted, and shall be there filed and preserved; and the Registrar of such Diocese shall cause an Entry to be made of such Licence and of the several Instruments on faith whereof such Licence shall have been granted, in a Calendar to be kept for such Purpose, so that the Copy of such Licence and such several Instruments on faith whereof such Licence shall have been granted, may be easily found and resorted to; and all Persons shall be at liberty to inspect such Calendar and such Copy of Licence, and all such other Instruments as aforesaid, at all seasonable Times.

Calendar and Copy of Licence open to Inspection.

Licences to state Facts on which granted.

XII. And be it further enacted, That in every Licence for the Solemnization of any Marriage, which shall be granted after the said First Day of *September*, the Facts on which such Licence

shall have been founded shall be stated, and it shall also be stated that such Facts have been fully proved as required by this Act.

Officer granting Licences, neglecting Duty. Misdemeanor.

XIII. And be it further enacted, That if any Officer of any Person authorized by Law to grant any such Licence shall not duly observe all the Provisions contained in this Act respecting such Licence, such Officer shall be deemed guilty of a Misdemeanor, and being thereof duly convicted, shall suffer all the Penalties and Punishment which may be inflicted by Law on a Person guilty of a Misdemeanor.

With whom Power of granting Licences lies.

XIV. And be it further enacted, That no Person shall, from and after the passing of this Act, be deemed authorized by Law to grant any Licence for the Solemnization of any Marriage, except the Archbishops of *Canterbury* and *York*, according to the Rights now vested in them respectively, and except the several other Bishops within their respective Dioceses, for the Marriage of Persons, One of whom shall be resident at the time within the Diocese of the Bishop in whose Name such Licence shall be granted, such Residence to be proved in manner hereinbefore directed; and such Archbishops and Bishops shall make such Orders and Regulations for the Observance of their respective Officers within their respective Jurisdictions, as they shall deem necessary for the more effectual Performance of the Duties of their several Officers within the true Intent and Meaning of this Act; and if any such Officer shall not duly observe all such Orders and Regulations, such Officer shall be deemed guilty of a Misdemeanor, and being thereof duly convicted, shall be subject to Punishment as guilty of a Misdemeanor.

Officers neglecting duty.

Misdemeanor.

Marriage by Licence not impeached for Informality.

XV. Provided always, and be it further enacted, That after the Solemnization of any Marriage by Licence, it shall not be lawful to impeach or invalidate any such Marriage, on the Ground that any of the Forms necessary to entitle Parties to receive a Licence as hereinbefore enacted have been neglected or have been executed in a manner different from what is hereinbefore required.

Before Publication of Banns, Affidavit as to Residence, &c. delivered to Minister.

XVI. And be it further enacted, That before the Publication of Banns of Matrimony in any Church or Chapel, pursuant to the Provisions for that Purpose in the said Act of the Twenty sixth Year of the Reign of His said late Majesty King *George* the Second, there shall be delivered to the proper Minister of the said Church or Chapel an Affidavit or Affidavits in Writing, sworn before such Minister or One of His Majesty's Justices of the Peace, by the Parties for whose Marriage such Banns shall be required to be published, stating truly the Christian and Surnames of such Parties respectively, and the House or Houses of their respective Abode within such Parish or Chapelry, or within an extra parochial Place adjoining to such Parish or Chapelry, if both shall abide therein, or of One of such Parties if One only shall abide therein, and the time during which such Parties respectively or One of them, if One only shall abide therein, shall have dwelt in such House or Houses, as Occupier or Occupiers thereof, or as Lodger or Lodgers therein; and such Affidavit or Affidavits shall also state, either that both the Parties for whose Marriage such Banns shall be required to be published have attained the Age of Twenty one Years, or if both of them shall be under such Age, then such Affidavit shall state that both of them are under such

such Age, and if One of them only shall be under such Age, then such Affidavit shall state that such Party is under such Age; and such Affidavit or Affidavits shall be delivered to such Minister before the Publication of such Banns; and in case any Person shall in any such Affidavit wilfully swear falsely in any Matter contained therein, such Person shall be deemed guilty of wilful and corrupt Perjury, and being thereof convicted by due Course of Law, shall suffer the Pains and Penalties of wilful and corrupt Perjury, and shall forfeit and lose to the King's Majesty all Estate, Benefit, Profit and Advantage which such Person shall derive from the Marriage of such Person in consequence of the Publication of Banns of Matrimony in pursuance of such Affidavit, to be disposed of by His Majesty as he shall see fit; any Grant of Forfeitures or other Matter or Thing to the contrary notwithstanding.

Perjury.

Punishment.

XVII. And be it further enacted, That such Banns shall not be published until the true Christian and Surnames of the said Persons, and the House or Houses of their respective Abodes within such Parish or Chapelry or extraparochial Place as aforesaid, as stated in such Affidavit, shall be affixed on the principal Door of the Church or Chapel and in some conspicuous Place within the said Church or Chapel, in which such Banns shall be published as aforesaid and shall remain so affixed until the Expiration of the Three *Sundays* on which such Banns shall be published.

Before ublication, Banns to be affixed on principal Door of Church, &c.

XVIII. And be it further enacted, That every Minister to whom any such Affidavit shall be delivered, for the Purpose of obtaining the Publication of Banns of Matrimony, shall deliver such Affidavit to the Churchwarden or Chapelwarden of the Church or Chapel in which such Banns shall be published, and the same shall be deposited by such Churchwarden or Chapelwarden in a Chest to be provided for that Purpose, and kept in the Church or Chapel in which such Banns shall be published.

Affidavits to be delivered over to Churchwardens.

XIX. Provided always, and be it further enacted, That after the Solemnization of any Marriage under a Publication of Banns, it shall not be necessary in support of such Marriage, to give any Proof of any such Affidavit, nor shall any Evidence be received to prove that such Affidavit was not made and delivered as required by this Act, in any Suit touching the Validity of such Marriage; nor shall such Marriage be avoided for Want of or by reason of any Defect in any such Affidavit, or on account of the true Name or Names of either Party not being used in the Publication of such Banns, or for such Name or Names not having been affixed as aforesaid; but it shall be lawful in support of such Marriage to give Evidence, that the Persons who were actually married by the Names specified in such Publication of Banns were so married, and such Marriage shall be deemed good and valid to all Intents and Purposes, notwithstanding false Names or a false Name, assumed by both or either of the said Parties in the Publication of such Banns, or at the time of the Solemnization of such Marriage.

After Solemnization under Banns, Proof of Affidavit made not necessary.

False Names, &c. not to invalidate.

XX. And be it further enacted, That whenever a Marriage shall not be had within Three Months after the complete Publication of Banns, no Minister shall proceed to the Solemnization of the same until the Banns shall have been republished on Three several *Sundays*, in the Form and Manner prescribed in this Act and in the

In what case Republication of Banns necessary.

said recited Act of the Twenty sixth of *George* the Second, or by Licence duly obtained according to the Provisions of this Act.

Commencement of certain Parts of Act.

XXI. And be it further enacted, That all and every the Clauses and Provisions in this Act, touching the Publication of Banns of Matrimony and touching Marriages solemnized by such Banns, shall commence and have effect on and after the First Day of *September* One thousand eight hundred and twenty two and not before.

In what case new Licences to be obtained

XXII. And be it also enacted, That whenever a Marriage shall not be had within Three Months after the Grant of a Licence by any Archbishop, Bishop or any Ordinary or Person having Authority to grant such Licence, no Minister shall proceed to the Solemnization of Marriage until a new Licence shall have been obtained, or by Banns duly published according to the Provisions of this Act.

Royal Family.

XXIII. Provided always, That nothing in this Act contained shall extend to the Marriage of any of the Royal Family.

Marriages among Quakers or Jews, &c.

XXIV. Provided likewise, That nothing in this Act contained shall extend to any Marriages amongst the People called *Quakers*, or amongst the People professing the *Jewish* Religion, where both the Parties to any such Marriage shall be of the People called *Quakers* or Persons professing the *Jewish* Religion respectively, nor to any Marriages solemnized beyond the seas.

Act to be read in Churches, &c. at certain Times.

XXV. And be it further enacted, That this Act shall be publicly read in all Churches and Public Chapels, by the Parson, Vicar, Minister or Curate of the respective Parishes or Chapelries, on some *Sunday* immediately after Morning Prayer or immediately after Evening Prayer, if there shall be no Morning Service on that Day, in each of the Months of *October*, *November* and *December*, in the Year of our Lord One thousand eight hundred and twenty two; and at the same Times on Three several *Sundays* in the Year One thousand eight hundred and twenty three, that is to say, the *Sundays* next before the Twenty fifth Day of *March*, Twenty fourth Day of *June* and Twenty ninth Day of *September*.

Act to extend only to England.

XXVI. And be it further enacted, That this Act shall extend only to that part of the Kingdom called *England*.

CAP. LXXVI.

An Act to amend an Act of the last Session of Parliament, for allowing to Distillers for Home Consumption in *Scotland* a Drawback of a Portion of the Duty on Malt used by them. [22d *July* 1822.]

1 & 2 G. 4. c. 82. § 11.

'WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for allowing the Distillers of Spirits for Home Consumption in* Scotland *a Drawback of a Portion of the Duty on Malt used by them, and for the further Prevention of Smuggling of Spirits on the Borders of* Scotland *and* England, it was among other things enacted, that from and after the First day of *October* One thousand eight hundred and twenty one, every Distiller in *England* for Exportation to *Scotland*, and in *Scotland* for Exportation to *England* respectively, should deposit, store and keep all the Spirits by him or her made

'or distilled at his or her entered Distillery for Exportation as 'aforesaid, in every Year ending on the First Day of *October*, in 'a distinct Warehouse or Warehouses separate and apart from 'all Spirits made or distilled in any other Year ending as afore-'said, and from all other Spirits, and should in each and every 'Year ending on the Fifth Day of *January* export to, land and 'pay Duty for in *Scotland* or *England* respectively, as the case 'may be, Nineteen Gallons at the least of Spirits of the Strength 'of Seven *per centum* above Hydrometer proof for every One 'hundred Gallons of Wort or Wash which should be distilled 'into Spirits by such Distiller or at such Distillery in the Year 'ending on the preceding First Day of *October*, except so much 'of such Spirits as should, in the like Proportion and computed 'at the Strength aforesaid, be before the said Fifth Day of *January* 'exported by such Distiller or Distillers respectively directly from 'his or her Stock of Spirits distilled in the Year ending on the 'preceding First Day of *October*, to and landed in *Ireland* under 'the regulations contained and referred to in and by an Act made 'in the Fifty fourth Year of the Reign of His late Majesty, for 54 G.3. c.149. 'regulating until the End of the next Session of Parliament the 'Trade in Spirits between *Great Britain* and *Ireland* reciprocally, 'and also except so much of such Spirits as should, after being 'shipped for Exportation as aforesaid, be lost by Shipwreck, and 'if any such Distiller respectively as aforesaid, should not de-'posit, store and keep all the Spirits by him or her made or dis-'tilled, or made or distilled at his or her entered Distillery for 'Exportation as aforesaid, in every Year ending on the First Day 'of *October*, in a distinct Warehouse or Warehouses, separate 'and apart from all Spirits made or distilled in any other Year 'ending as last aforesaid, and from all other Spirits, every such 'Distiller should forfeit and lose the Sum of Twenty Shillings for 'every Gallon of Spirits not deposited, stored and kept by him 'or her as aforesaid, or of Five hundred Pounds, at the Election 'of the Person who should sue or prosecute for the same; and if 'any such Distiller respectively as aforesaid should in any Year 'ending on the Fifth Day of *January* as aforesaid, fail, neglect 'or refuse to export to, land and pay Duty for in *Scotland* or '*England* respectively, as the case might be, Nineteen Gallons at 'the least of Spirits of the Strength aforesaid for every One hun-'dred Gallons of Wort or Wash which should be distilled into 'Spirits by such Distiller or at such Distillery in the Year ending 'on the preceding First Day of *October* as aforesaid (except as 'aforesaid), or should not, within One Month after Expiration of 'such Year ending on the Fifth Day of *January*, pay Duty in '*Scotland* or *England*, as the case might be, being that Part of 'the United Kingdom to which such Quantity of Spirits is by 'the said recited Act required to be exported, landed and Duty 'paid as aforesaid, at and after the rate of Duty chargeable by 'Law for and in respect of such Spirits, for every Gallon of such 'Spirits below or short of such Proportion as aforesaid, which 'any such Distiller should fail to land and pay Duty for as 'aforesaid, every such Distiller should for every such Default, 'Neglect or Refusal as aforesaid, forfeit and lose the Sum of 'Twenty Shillings for every Gallon of such Spirits not exported,

'landed and paid Duty for (except as aforesaid) in such Period 'as aforesaid: And Whereas the First Day of *October*, which is 'inserted in the above Provision, ought to have been the Thirtieth 'Day of *September*:' Be it therefore enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as is above recited shall receive such and the same effect as if the Thirtieth Day of *September* had been inserted therein in place of the First Day of *October*, as often as the same occurs therein.

In recited Act as to Spirits distilled for Exportation being kept separate, 30th September should have been inserted instead of 1st of October.

'II. And Whereas it is expedient that so much of the said Act 'passed in the last Session of Parliament as allows a Drawback 'of a Portion of the Duty on Malt used by Distillers in the Dis-'tillation of Spirits should be repealed;' Be it enacted, That from and after the Tenth Day of *November* One thousand eight hundred and twenty four, so much of the said Act as allows a Drawback of One Shilling to every Distiller of Spirits for Home Consumption in *Scotland* for every Bushel of Malt used by such Distiller in the Distillation of such Spirits, for and in respect of which Malt the Duty payable by law shall have been paid, shall be and the same is thenceforth hereby declared to be and thereafter the same shall be repealed.

After Nov. 10, 1824, 1 & 2 G. 4. c. 82. § 1.

Repealed.

III. And be it enacted, That this Act may be amended, altered or repealed by any Act or Acts to be made in this present Session of Parliament.

Act may be altered, &c. this Session.

CAP. LXXVII.

An Act for amending the Laws for regulating the Manner of licensing Alehouses in that Part of the United Kingdom called *England*, and for the more effectually preventing Disorders therein. [26th *July* 1822.]

'WHEREAS the several Statutes now in force for regulating 'the manner of licensing Persons to keep Alehouses, or 'to sell Ale, Beer and other Liquors by Retail therein, in that 'Part of the United Kingdom called *England*, are found to be de-'fective and insufficient, and it is expedient that the Laws con-'cerning such Alehouses, Inns and Victualling Houses, and the 'licensing thereof, should be amended, and some further Provi-'sions made as to the Mode of granting such Licences:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, every Person to whom the Justices of the Peace or Magistrates shall grant a Licence or Authority to keep a common Inn, Alehouse or Victualling House, or to sell Ale, Beer, Cyder, Perry or other exciseable Liquors by Retail, within that Part of the United Kingdom called *England*, shall upon such Licence or Authority being granted or issued, enter into a Recognizance to the King's Majesty, His Heirs and Successors, in the Sum of Thirty Pounds, with One sufficient Surety in the Sum of Twenty Pounds, or Two sufficient Sureties in the Sum of Ten Pounds each, which Recog-

Persons to whom Licence granted, to enter into Recognizances in Form prescribed by Schedule (A.)

nizance, with the Condition thereof, shall be in the Form prescribed by the Schedule to this Act marked (A.); and in case the Person applying for such Licence shall be hindered through Sickness or Infirmity, or any other reasonable Cause, to attend in Person at the Meeting of the same Justices or Magistrates for granting the said Licences or Authorities, that then it shall be lawful for them to grant such Licence or Authority upon Two sufficient Sureties entering into such Recognizance, each Surety in the Penalty of Thirty Pounds, for Performance of the Condition of the said Recognizance, and which said Recognizance shall be acknowledged in the Presence of the Majority, and signed by at least Two of the Justices or Magistrates present at any such Meetings for granting Licences or Authorities, and the same, with the Condition thereof, fairly written or printed, shall forthwith, or at the next General or Quarter Session of the Peace at farthest, after granting such Licence or Authority, be sent or returned to the Clerk of the Peace, or Person acting as such, for every County, Riding, City, Liberty, Town Corporate or Place in that Part of the United Kingdom called *England*, wherein such Licences or Authorities shall be granted, to be by the said Clerk of the Peace, or such other Person acting as such, duly entered or filed amongst the Records of the Sessions of the Peace: and that for every such Licence or Authority granted without taking such Recognizance, and for every such Recognizance taken and not sent or returned as aforesaid, every Justice of the Peace or Magistrate signing such Licence or Authority shall forfeit and pay the Sum of Three Pounds Six Shillings and Eight Pence; and every such Licence or Authority to be granted by Justices of the Peace or Magistrates, after the passing of this Act, shall be in the Form prescribed by the Schedule to this Act marked (B.): Provided always, that no Police Officer, Patrole, Constable or Headborough shall be Surety for any Innkeeper, Alehouse Keeper or Victualler under this Act.

Persons applying for Licences prevented by Sickness, &c. from attending Justices, Justices may grant same on taking Security.

Granting Licence without Recognizance.

Penalty.

Form of Licence.

Officer not to be Surety.

'II. And for the better preventing the granting of Licences or 'Authorities to unfit and improper Persons, to keep Alehouses or 'Victualling Houses, or to sell Ale, Beer or other exciseable 'Liquors by Retail, and the Occurrence of disorderly Conduct in 'such Houses;' Be it further enacted, That no Licence or Authority for such Purposes shall be granted to any Person not thereunto licensed or authorized the Year preceding, unless such Person shall produce, at the General Annual Meeting of the Justices or Magistrates to be held for that Purpose, a Certificate under the Hands of the Parson, Vicar or Curate, or of the major Part of the Churchwardens, Chapelwardens and Overseers of the Poor, and of Four reputable and substantial Householders and Inhabitants, or under the Hands of Eight respectable and substantial Householders and Inhabitants of the Parish or Place where the Person applying for such Licence or Authority shall have last inhabited or dwelt for a Space of Six Months; which Certificate shall set forth the Number of the House, and the Name of the Street, or other true Description of the House where such Person so dwelt, and also whether he or she was there a Housekeeper or an Inmate, and whether such Person, in such last mentioned Parish or Place, kept an Alehouse or Victualling House, and if so, the Sign of such House; and shall also set forth, that such Person

Certificate of good Conduct, &c. to be produced by Persons applying for Licences.

What Certificate is to contain.

is of good Fame, sober Life and Conversation, and a fit and proper Person to be entrusted with a Licence for the Purposes aforesaid; and it shall be mentioned in every such Licence or Authority to be granted to any Person not licensed at the last General Licensing Day, that such Certificate was produced; and in case such Certificate, in the Form and signed in the Manner aforesaid, shall not, on the Occasions aforesaid, be produced, or the Licence to be granted in such last mentioned Cases shall omit to state that such Certificate was so produced, such Licence or Authority shall be null and void; and every such Certificate so required to be produced on such Occasions as aforesaid, shall be annexed to the Recognizance, to be entered into by the Person receiving or obtaining such Licence or Authority as aforesaid, and shall with such Recognizance be sent or returned to the Clerk of the Peace, or Person acting as such as aforesaid: Provided always, that if any Person shall forge or counterfeit any Certificate, or write any Name on any such Certificate, to resemble, imitate or represent the Name of any Parson, Vicar or Curate, or any Churchwarden, Chapelwarden, Overseer of the Poor or other Person directed by this Act to sign such Certificate, with an Intent to deceive the Justices of the Peace granting or having Power to grant such Licences or Authorities, or shall tender or produce any Paper with such counterfeit Name or Writing thereupon, knowing such Name or Writing to be counterfeit, with Intent to deceive the said Justices, or shall take or receive any Sum or Sums of Money for signing or procuring Signatures to any such Certificate, every Person so offending, being thereof lawfully convicted, shall be adjudged to be guilty of a Misdemeanor, and shall suffer Punishment accordingly.

If Certificate not produced, &c. Licence void.

Certificate annexed to Recognizance.

Forging or receiving Money for Certificates.

Misdemeanor.

III. And be it further enacted, That the Recognizance, in the Form and with the Surety or Sureties hereby required to be entered into on granting Licences or Authorities to Persons to keep Alehouses or Victualling Houses, or to sell Ale, Beer or other exciseable Liquors by Retail, and the Certificate in the Form and with the Signatures hereby required to be produced, by Persons not licensed for those Purposes the preceding Year, shall also be entered into and produced by Persons applying for and obtaining such Licences or Authorities, at any Special Meetings of the Justices to be holden for those Purposes, pursuant to the Directions of the Statute made and passed in the Thirty second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend so much of Two Acts, made in the Twenty sixth and Twenty ninth Years of the Reign of His late Majesty King* George *the Second, as relates to the licensing of Alehouse Keepers and Victuallers, and for better regulating Alehouses, and the manner of granting such Licences in future; and also of granting Licences to Persons selling Wines to be drank in their Houses.*

Recognizances to be presented to Justices at special Meetings to be held for that Purpose.

32 G.3. c.59.

IV. And be it further enacted, That the Register or Calendar required by Law to be kept by Clerks of the Peace, of Recognizances to be taken and returned by Justices of the Peace, on granting such Licences as aforesaid, shall contain the Names and Places of Abode of the several Sureties who shall so enter into such Recognizances; and that as well the Entries of the Names of such Sureties, as of the other Particulars of such Recognizances already

Names, &c. of Sureties to be entered in a Book.

already required to be registered, shall and they are hereby required to be entered by the respective Clerks of the Peace, or other Persons acting as such, to whom such Recognizances shall be returned; and that for every Recognizance there shall be paid, by the Clerk or Clerks to the Justices taking such Recognizances, to the said Clerk of the Peace, as their Fee for filing or recording the said Recognizances and for making such Entry thereof, and of the Names or Name of the Sureties or Surety to be thereby bound, and for making and delivering Copies of the said Register, as by Law required, the Sum of Two Shillings and no more, which shall be paid to the Clerks of the said Justices by the Persons licensed, over and above the Fees payable by Law to the said Justices' Clerks; and it shall be lawful for any Person or Persons on Application, at all seasonable Times, to see, inspect and examine every such Register, so to be kept by the said Clerks of the Peace, on Payment or Tender made by the Person or Persons requiring the same, to such Clerks of the Peace, of the Sum of One Shilling for every such Inspection or Examination.

Fee for filing Recognizance.

Registers of Sureties open to public Inspection.

V. And be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the Clerks to the several Justices of the Peace, to be assembled at any General Annual Meeting for the Purpose of granting Licences or Authorities to Persons to keep Alehouses, or to sell Ale, Beer or other exciseable Liquors by Retail, in that Part of the United Kingdom called *England*, and also at any Special Meeting for the like Purposes to be held pursuant to the Directions of the said Act of the Thirty second Year of the Reign of His said late Majesty, to ask, demand and receive of and from every Person to whom a Licence or Authority, for the Purposes aforesaid, shall be granted, renewed or continued, as and for the Trouble of such Clerks in filling up such Licence or Authority, and taking and returning the Recognizance to be so entered into, the Sum of Five Shillings and no more, over and above the Fees directed to be paid to the several Clerks of the Peace, for filing such Recognizances; and in case any Clerk to such Justices, or other Person acting as such, shall demand or take or receive of or from any Person to whom such Licence or Authority as aforesaid shall hereafter be granted, or renewed or continued, as and for his Fee or Reward for the Trouble of preparing the same, and taking and returning such Recognizance as aforesaid, any further or greater Fee or Reward or Recompence than the said Sum of Five Shillings, every Person so offending shall for every such Offence, and on Conviction on the Oath of One credible Witness, forfeit and pay the Sum of Five Pounds, to be sued for, recovered, levied and applied in the same manner as any other pecuniary Penalty imposed by this Act may be sued for, recovered, levied and applied.

Fees to be paid for Licences.

32 G. 3. c. 59.

Taking more than regular Fees.

Penalty, 5l.

VI. And be it further enacted, That from and after the passing of this Act, if any Person duly licensed to keep an Alehouse or Victualling House, or to sell Ale, Beer or other exciseable Liquors by Retail, in any House within that Part of the United Kingdom called *England*, shall die before the Expiration of such Licence, or if any Person so licensed, or the Executors, Administrators or Assigns of the Person dying so licensed, shall remove from or yield up the Possession of such House in which such

Executors, &c. of licensed Person may be continued in Possession of such Licence, upon entering into the like Recognizances.

such Ale, Beer or other Liquors shall by virtue of such Licence be sold, and shall assign such Licence, or in case any such House shall become empty or unoccupied, the late Occupier whereof was duly licensed at the last General Meeting previous to the Time such House became empty and unoccupied, it shall and may be lawful for Two or more of His Majesty's Justices of the Peace, or Persons acting as such for the County, Riding, City, Liberty, Town Corporate or Place, at a Special Day of Meeting to be holden within and for the same Division or Place in which the House shall be situate, to grant a Licence or Authority to the Executors, Administrators or Assigns of the Person so dying who shall be possessed of such House, or to any new Tenant or Occupier upon any such Removal, or upon the House becoming unoccupied as aforesaid, to open or continue open such House as an Alehouse or Victualling House, or to sell Ale, Beer or other Liquors by Retail as aforesaid therein till the Tenth of *October* then next ensuing, so as the Person applying for such Licence or Authority shall produce such Certificate and enter into such Recognizance with such Surety or Sureties as hereinbefore directed; and every such Recognizance to be taken and entered into at such Special Day of Meeting, and every such Certificate so to be produced, shall be returned to the respective Clerks of the Peace in the same manner as the Recognizances and Certificates to be taken and produced at the said General Annual Meetings of the said Justices are directed to be returned.

Such Recognizance returned to Clerk of the Peace.

General Annual Meetings to be in September.

VII. And be it further enacted, That from and after the passing of this Act, all General Annual Meetings of the Justices or Magistrates, for the Purpose of granting Licences to sell Ale, Beer and other exciseable Liquors by Retail, as well in Cities and Towns Corporate as in all other Places within that Part of the United Kingdom called *England*, shall be held in the Month of *September* in each and every Year; any local Custom or Usage to the contrary thereof in any wise notwithstanding.

Allowance for Duty for Time unexpired of Licences on Renewal.

VIII. Provided always, That all Persons who hold Licences to sell Ale, Beer and other Liquors by Retail, which would expire at a different Period of the Year from that at which they will expire after the passing of this Act, shall be allowed in the Payment of their Duties, upon the first Renewal of their Licences under this Act, for so much of their current Year as shall not have then expired.

26 G. 2. c. 31. § 7.

'IX. And Whereas by the Laws now in force in that Part of 'the United Kingdom called *England*, Persons selling Ale, Beer 'or other exciseable Liquors by Retail, are liable and subject to 'different Penalties and Punishments for disorderly Conduct com- 'mitted, or permitted or suffered in their Houses; and by an Act 'made and passed in the Twenty sixth Year of the Reign of His 'late Majesty King *George* the Second, intituled *An Act for regu- 'lating the Manner of licensing Alehouses in that Part of* Great 'Britain *called* England, *and for the more easy convicting Persons 'selling Ale and other Liquors without Licence*, it is enacted, that 'any Justice of the Peace for any County, Riding, City, Liberty 'or Town Corporate, wherein such Licence shall be granted, 'upon Complaint or Information that such licensed Person had 'done or committed any Act, Offence or Misdemeanor, whereby

'in

'in the Judgment of the same Justice the Recognizance of such 'licenced Person might be forfeited, or the Condition thereof 'broken, might by Summons under his Hand and Seal require 'such Person so complained of or informed against to appear at 'the next General or Quarter Sessions of the Peace for the said 'County, Riding, City, Liberty or Town Corporate, then and 'there to answer the Matter of such Complaint or Information, 'and also might bind the Person or Persons so making such Com-'plaint or Information, or any other Person or Persons, in a Re-'cognizance to appear at such General or Quarter Sessions, and 'give Evidence against such Persons complained of or informed 'against; and the Justices of the Peace, in their General or Quar-'ter Sessions, should have full Power to direct the Jury which 'should attend at such Sessions for the Trial of Traverses, or some 'other Jury of Twelve honest and substantial Men, to be then 'and there impannelled by the Sheriff, without Fee or Reward, 'to inquire of the Misdemeanour charged in the said Complaint 'or Information, and if such Jury should find that the Person 'so complained of or informed against had done any Act whereby 'the Condition of his Recognizance was broken, such Act being 'specified in such Complaint or Information, it should or might be 'lawful for the Court, at such General or Quarter Sessions, to ad-'judge such Person guilty of the Breach of such Recognizance, 'which Verdict and Adjudication should be final to all Intents and 'Purposes; and thereupon the said Justices should order the Re-'cognizance entered into by such Offender to be estreated into 'His Majesty's Court of Exchequer, to be levied to His Majesty's 'Use; and that the said Person, the Condition of whose Recog-'nizance should be so adjudged to be broken and forfeited, should, 'from and after such Adjudication, be utterly disabled to sell any 'Ale, Beer, Cyder, Perry, Spirituous Liquors or Strong Waters, 'for the Space of Three Years; and any Licence or Licences 'granted or to be granted to such Person during such Term 'should be void and of none effect;' Be it further enacted by the Authority aforesaid, That so much of the said recited Act of the Twenty sixth Year of His late Majesty King *George* the Second, as relates to the Forfeiture of the Recognizance of any Person licensed to keep a common Alehouse or Victualling House, or to sell Ale, Beer or other exciseable Liquors by Retail, and the subsequent Disability of such Party on such Adjudication to hold a Licence for the Space of Three Years, be and the same is here-by repealed; and also, that from and after the passing of this Act, the several Statutes and Acts, and Parts of Statutes and Acts following, shall be repealed; that is to say, so much of a Statute passed in the First Year of the Reign of King *James* the First, as relates to Penalties and Punishments of Innkeepers, Victuallers and Alehouse Keepers for the Offences therein mentioned; and also so much of Two Statutes passed in the Seventh and Twenty first Years respectively of the Reign of King *James* the First, as relates to the disabling Persons to keep an Alehouse for Three Years in the cases therein mentioned; and also so much of a Statute passed in the First Year of the Reign of King *Charles* the First, as relates to the Penalty on Alehouse Keepers and Victuallers therein mentioned; and also so much of an Act passed in the

Repealed.

1 Jac. 1. c. 9. § 2, 3, 4.

7 Jac. 1. c. 10.

21 Jac. 1. c. 7. § 4.

1 Car. 1. c. 4. § 1.

30 G. 2. c. 24. § 14, 15. Repealed.

the Thirtieth Year of the Reign of King *George* the Second, as relates to the Penalty on Persons licensed to sell any Sorts of Liquors in the case therein mentioned, and which said several Acts and Parts of Acts are hereby repealed accordingly; and

Offending against Condition of Recognizance.

that from and after the passing of this Act, every licensed Person selling Ale, Beer or other exciseable Liquors by Retail, in that Part of the United Kingdom called *England*, who shall be lawfully convicted of any Offence against the Condition of any subsisting Recognizance, entered into by such licensed Person, or against the Tenor of any Licence granted and now subsisting or hereafter to be granted or against the Condition of the Recognizance by this Act required to be entered into by such licensed Person, or against the Tenor of the Licence to be granted by virtue of this Act, shall for every such Offence forfeit and undergo the several Penalties and Punishments and Disabilities hereinafter mentioned and provided in that behalf, instead and in lieu of the several pecuniary and other Punishments and Disabilities which they are now or immediately before the passing of this Act were

Penalties: First Offence, not exceeding 5l.

liable or subject to by any Law then in Force; (that is to say), for the First Offence a Sum not exceeding Five Pounds, with the Costs and Expences of convicting such Offender; and in case the said Penalty, with the Costs and Expences of convicting such Offender, shall not be paid within the Space of Fourteen Days next after such Conviction, that then the Offender shall suffer Imprisonment for the Space of One Month, in the Common Gaol or House of Correction for the County, Riding, City, Liberty, Town Corporate, or Place where such Conviction shall take place, unless he or she shall sooner pay such Penalty, and the Costs, Charges and Expences of such Conviction, and executing the same; and for

Second Offence, not exceeding 10l.

the Second Offence a Sum not exceeding Ten Pounds, and also the Costs and Expences of convicting such Offender; and in case such Penalty, with the Charges and Expences of convicting such Offender the Second Time, shall not be paid within the space of Seven Days next after such Second Conviction, that then the Offender shall suffer Imprisonment for the Space of Two Calendar Months, in such Common Gaol or House of Correction as aforesaid, unless he or she shall sooner pay such Second Penalty, and the Costs, Charges and Expences of such Second Conviction, and

Third Offence.

executing the same; and for the Third Offence against the Tenor of such Licence or Recognizance, it shall be lawful for any One Justice of the Peace of any County, Riding, City, Liberty or Town Corporate, or Place wherein such Licence shall be granted, and it is hereby required of him, upon Complaint or Information on Oath that such licensed Person hath committed such Third Offence, to issue a Summons under his Hand and Seal, requiring such Person so complained of or informed against for such last

Party to appear at Quarter Sessions.

mentioned Offence to appear at the next General or Quarter Sessions of the Peace for the County, Riding, City, Liberty, Town Corporate or Place wherein the Person so complained of or informed against shall reside, then and there to answer to the Matter of such Complaint or Information, and also to bind the Person or

Informer bound over.

Persons who shall make such Complaint or Information, or any other Person or Persons, in a Recognizance to appear at such General or Quarter Session and give Evidence against such Person

so

so complained of or informed against; and the Justices of the Peace in their General or Quarter Sessions of the Peace shall have Power to direct the Jury which shall attend at such Sessions for the Trial of Traverses, or some other Jury of Twelve honest and substantial Men, to be then and there impannelled by the Sheriff, Bailiff or other Chief Officer, without Fee or Reward, to inquire of the Misdemeanor charged in the said last mentioned Complaint or Information; and if such Jury shall find that the Person so complained of or informed against hath committed any Act against the Tenor of the said Recognizance, such Act being specified in the said Complaint or Information, and such Person so complained of or informed against having been Twice previously convicted for Offences against the Tenor of the said Licence and Recognizance, it shall and may be lawful for the Court at such General or Quarter Sessions to adjudge such Person guilty of a Third Offence against the Tenor of and a Breach of the said Recognizance, which Verdict and Adjudication shall be final to all Intents and Purposes; and thereupon the said Justices shall have Power and Authority to punish the Party so to be convicted by Fine, not exceeding the Sum of One hundred Pounds, or at the Discretion of the said Court to declare the said Recognizance so entered into by the said Offender to be forfeited, or immediately to adjudge the Licence or Authority granted to such Offender to be forfeited and void; and on such last mentioned Adjudication on such Verdict, such Licence shall from thenceforth be void accordingly, and every Licence then held by such Offender to sell Spirituous Liquors, Cyder, Perry or *British* Sweets, shall thereupon also be void; and the said Person, the Condition of whose Recognizance shall be so adjudged to be broken and forfeited, shall from and after such last mentioned Adjudication be utterly disabled to sell Ale, Beer, Cyder, Perry, Spirituous Liquors or Strong Waters, for the Space of Three Years, to be computed from the Time of the Offence committed for which such Adjudication shall be pronounced; any Licence or Licences granted or to be granted to such Person during such Term, to be computed as aforesaid, shall be void and of none effect; Provided, that the said Justices may, at the Request of the Prosecutor or Party so complained of or informed against, or either of his or her Sureties, and upon sufficient Cause shewn, adjourn the Hearing and Trial of the said Complaint or Information to the then next General or Quarter Sessions of the Peace, when the same shall be finally determined: Provided always, that no Recognizance under this Act shall be declared to be forfeited, unless upon being directed so to be by the said Court of General or Quarter Sessions, upon such Third Conviction as aforesaid; and provided also, that if such licensed Person or Persons so complained of or informed against for such last mentioned Offence shall not appear at the next General or Quarter Sessions of the Peace pursuant to the Summons, it shall and may be lawful for the Justices in their General or Quarter Sessions assembled, on Proof of the Service of such Summons, to inquire into the Matter alleged, and on Proof thereof to proceed against the Person or Persons so summoned and not appearing, in the same manner as if such Person or Persons had appeared pursuant to his, her or their Recognizance.

Jury.

Party having been Twice convicted.

Penalty not exceeding 100l. or Licence void, and Offender disabled from selling for Three Years.

Justices may postpone Trials, &c.

Recognizances not forfeited, unless declared so by Quarter Sessions.

Party not appearing.

X. Provided

Production of Recognizance by Clerk of Peace sufficient Evidence of Person complained of being a licensed Victualler.

Proviso.

X. Provided always, and it is hereby declared and enacted, That on every such Enquiry so directed to be made before a Jury as aforesaid, the Production of the Recognizance entered into by the Party complained against, or by his Sureties, and filed with the Clerk of the Peace or Person acting as such, shall be sufficient Evidence of the Fact of such Party so complained against being a Licensed Victualler: Provided always, that if the Jury to be impannelled to try the matter of such Complaint or Information shall, on such Trial, find the Party so complained of or informed against not guilty of the Offence so laid to his or her Charge, or if on the Verdict of guilty by such Jury the Court shall adjudge the Offender to be punished by Fine, or by declaring the Recognizance to be forfeited, instead of vacating the Licence of such Offender as aforesaid, the Party so holding or possessing such Licence shall nevertheless, after such Adjudication of not guilty, or Punishment by Fine on a Verdict of guilty, be liable to the same Punishment and Disability as any other Licensed Victualler who shall have been Twice convicted of Offences against the Condition of his or her Recognizance, on any subsequent Complaint or Information and Inquiry thereon at such Court of Sessions, for any Offence in Breach of such Recognizance and Licence.

Clerks to Justices to be deemed Prosecutors.

XI. And be it further enacted, That in all cases where Complaint or Information shall be made against any Person so licensed as aforesaid for a Third Offence against the Tenor of his or her Recognizance, the Justices of the Peace before whom such Complaint or Information shall be made shall, if they shall deem such Offence to amount to a Breach of such Recognizance, and they are hereby required, to order the subsequent Proceedings at the Sessions to obtain an Adjudication on such Complaint or Information to be carried on by the Clerk or Clerks, or the Person or Persons acting as such, to the General Annual Meetings of the Justices for licensing Alehouses and Victualling Houses for the Division or Place where such House shall be situated; and such Clerk or Clerks are hereby authorized and required to conduct such Prosecution accordingly; and the Expences attending such Prosecution shall, and they are hereby directed to be borne and defrayed out of the Rate or Rates made and levied, or to be made and levied, for the Maintenance of the Poor of the Parish or Place where such Offence shall be committed.

Expences to be paid out of County Rates.

Two Justices may proceed in a summary Way.

XII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for Two Justices of the Peace for the time being, of the County or Place where any of the Offences against this Act for the Commission of which pecuniary Penalties are imposed shall be committed, to hear and determine the same Offences in a summary Way, which same Justices of the Peace are hereby authorized and required, upon any Information exhibited, or Complaint made in that Behalf to or before them, to summon the Party or Parties accused, and also the Witnesses on either Side (if they shall be required to summon any such Witnesses), and upon the Appearance or Contempt of the Party or Parties accused by not appearing, to proceed to examine and hear the Matter in a summary Way, and also to examine such Witnesses upon Oath as shall be produced therein, (which Oath the said Justices are hereby empowered to give and administer), and to give their Judgment thereon;

thereon; and in case they shall convict the Party or Parties so accused or complained against of the Offence laid to his, her or their Charge, and such Party or Parties so convicted shall refuse or neglect to pay the Penalty or Penalties for which he, she or they shall stand convicted within the Time hereinbefore mentioned for that Purpose, together with the Costs of such Conviction or Convictions, to be assessed, settled and ascertained as aforesaid, that then and in every such case it shall and may be lawful for such Justices, and they are hereby authorized and required, to issue their Warrant or Warrants under their Hands and Seals for the apprehending and committing to the Common Gaol or House of Correction as aforesaid every such Offender, for such Time and in such Manner as the Nature of the Offence shall require, according to the Provisions aforesaid, and the true Intent and Meaning of this Act.

Persons convicted to be committed for Nonpayment of Penalties.

XIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any such Justices of the Peace touching any of the Matters aforesaid, either on the Part of the Prosecutor or of the Person or Persons accused, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed without a reasonable Excuse for such his, her or their Neglect or Refusal, to be allowed of by such Justices of the Peace, or appearing shall refuse to be examined on Oath and give Evidence before such Justices of the Peace before whom the Prosecution shall be depending, that then every such Person shall forfeit for every such Offence the sum of Forty Shillings, to be levied and paid in such Manner and by such Means as are herein before directed as to other pecuniary Penalties.

Witnesses not attending when summoned, or refusing to be examined.

Penalty, 40s.

XIV. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by the Judgment or Conviction of any Justices of the Peace for any of the Offences aforesaid, for the Commission of which a pecuniary Penalty is annexed, and shall give Security to the Satisfaction of such Justices of the Peace for the Payment of the Penalty, Costs and Expences to be expressed in the said Conviction, within Twenty four Hours after the same shall be made, that then and in every such case after such Security given, and not otherwise, it shall and may be lawful to and for such Offender or Offenders to appeal from and against such Conviction or Convictions to the Justices of the Peace assembled at the next General or Quarter Sessions of the Peace to be held for such County, Riding, Division, Liberty, City, Town or Place, unless such Sessions of the Peace shall be held within Six Days or less next after such Conviction or Convictions shall be so had or made, and in that case to the Justices of the Peace to be assembled at the next Sessions after such first mentioned Sessions, and not afterwards; and that the Justices of the Peace assembled at such Sessions shall thereupon proceed to hear and determine the Matter of every such Appeal, and their Judgment thereon shall be final and conclusive to all Intents and Purposes whatsoever; and the Justices of the Peace so assembled at such Sessions are hereby authorized and required to award such Costs as to them shall appear just and reasonable to be paid by either

Securities may be given and taken for the Payment of Penalties.

Appeal.

Judgment final.

Costs.

either Party, not exceeding in the whole the Sum of Five Pounds on any one Appeal.

For preventing vexatious Appeals.

XV. And in order to prevent frivolous and vexatious Appeals, be it further enacted by the Authority aforesaid, That a Conviction in the Form or to the Effect following, *mutatis mutandis*, (as the case shall happen to be) shall be good and effectual to all Intents and Purposes whatsoever, without stating the case, or the Facts or Evidence in any more particular manner; (that is to say),

Form of Conviction.

'Middlesex } BE it remembered, That on this Day
' } of in the Year *A. B.* of
' was duly convicted before us, *C. D.* and *E. F.*,
' Two of His Majesty's Justices of the Peace for the County or
' City of of an Offence against the Condition of
' a Recognizance entered into by the said *A. B.* on
' obtaining a Licence to sell Ale, Beer or other exciseable Liquors
' by Retail, whereby he, she or they has or have forfeited the Sum
' of this being the First [*or* Second Offence, *as*
' *the case shall happen to be*] besides the Costs and Expences of this
' Conviction, which Costs and Expences we the said Justices of the
' Peace do hereby ascertain and assess at the Sum of
' pursuant to the Statute in such Case made and provided. Given
' under our Hands and Seals the Day and Year above written.'

Convictions to be registered and stated as to being the First, Second, or Third Offence, and Record thereof, Evidence against Party accused of Third or other Offence.

XVI. And be it further enacted, That on every such Conviction so to be had or made as aforesaid, the Justices of the Peace before whom the same shall be made, shall return the same to the next Quarter Sessions of the Peace to be holden for such County, Riding, Division, Liberty, City, Town Corporate or Place, and the Record of such Conviction shall, unless the same shall be afterwards quashed on Appeal as hereinbefore directed, be Evidence against the Party thereby convicted in any Prosecution to be instituted against him or her or them for a Third or other Offence, in the Nature of a Third Offence, constituting or to constitute a Breach of the Condition of his, her or their Recognizance entered into on obtaining a Licence as hereinbefore directed; and the several Clerks of the Peace to whom such Convictions shall be returned, shall immediately on such Return make or cause to be made a Memorandum or Entry of such Conviction in the Calendar or Register to be kept by them, of the Names and Places of Abode of the several Persons so licensed as aforesaid, and shall in such Entry state whether such Conviction be the First or Second or other subsequent Conviction of the offending Party.

Licences not granted to Persons whose House has not been previously licensed, unless Notices of Application be given to Clerk of the Peace, and affixed as herein directed.

XVII. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and twenty three, no Licence or Authority shall be granted to any Person whatever in that Part of the United Kingdom called *England*, by the Justices of the Peace, or Persons acting as such, to retail Ale, Beer or other exciseable Liquors, in any House or Place which shall not have been used for such Purpose or Purposes by virtue of a Licence which shall have been granted at a preceding General Annual Meeting of the Justices, unless the Person intending to apply for such Licence or Authority shall give Notice in Writing to the Clerk or Clerks to the Justices at such General Meetings, Three Calendar Months prior to the General Annual Meeting of the Justices

tices of the Peace for granting Licences for the Place in which the House shall be situated, for which such Licence shall be applied for, and shall affix or cause to be affixed Three Copies of such Notice, written in a fair and legible Hand, on the principal Door or most conspicuous Part of the House for which such Licence is intended to be applied for, and on the Door of the Church of the Parish in which such House shall be situated, on Three several Days within the Months of *May* or *June*, between the Hours of Ten of the Clock in the Forenoon and of Four of the Clock in the Afternoon, and between each of which Days of affixing such Notices the Space of Seven Days shall elapse; which Notice, and the Copies thereof so to be affixed, shall be signed by the Party interested in such House, and intending to make such Application as aforesaid, or his, her or their Agent thereunto authorized; and every such Notice shall state and set forth the Situation of the said House in a true and particular manner, together with the Rate of Building thereof, where any such Rate of Building exists or is prescribed, and the Name, Place of Abode and Description of the Party so applying, and also the Name and Place of Abode of the Person proposed to be licensed therein; and every Licence to be granted to sell Ale, Beer or other Liquors by Retail in such new House or other Place, not having been used for any of the Purposes aforesaid by virtue of a Licence granted the preceding Year, without such previous Notice having been given as aforesaid, shall be void to all Intents and Purposes.

What Notice is to contain.

In what case Licence void.

'XVIII. And Whereas it is expedient that Persons empowered 'to grant Licences by virtue of this Act should not be swayed by 'Interest in the Execution of such Powers;' Be it therefore enacted by the Authority aforesaid, That no Justice of the Peace or Magistrate in any County, Riding, City, Liberty, Town Corporate or Place, in that Part of the United Kingdom called *England*, who is a Brewer, Maltster, Distiller or Dealer in or Retailer of Ale, Beer or other exciseable Liquors, or is concerned in Partnership with any Person as a Brewer, Maltster, Distiller or Dealer in or Retailer of Ale, Beer or other exciseable Liquors, or shall be the Manager or Agent of or for any House licensed or about to be licensed for any of the Purposes aforesaid, at any of the Time or Times when any of the Powers of this Act are to be executed, shall act in any of the Meetings for granting of any Licence or Licences, Authority or Authorities, or shall convict or join in any Conviction, or in the Determination of any Application for a Licence or Authority to a Person to keep any House not before licensed, or in the Determination of any Appeal directed by this Act; and every Justice of the Peace or Magistrate who shall knowingly or wilfully offend in any of the Premises, shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered by any Person who will sue for the same, within Six Calendar Months after such Offence committed, by Action of Debt or on the Case, or by Bill, Suit or Information in any of His Majesty's Courts of Record, wherein no Essoign, Protection or Wager at Law, nor more than One Imparlance shall be allowed; which said Penalty of One hundred Pounds shall be paid, One Moiety thereof to the Person who sues for the same, and the other Moiety to the King's Majesty, His Heirs and Successors.

Justices not to act as such where personally interested.

Justice offending.

Penalty, 100l.

How applied.

Persons holding licensed Houses not to be Constables, &c.

XIX. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and twenty three, all and every Person and Persons using and exercising, or that hereafter shall use and exercise the Trade or Business of a licensed Victualler or Alehouse Keeper, or who shall sell Ale, Beer or other exciseable Liquors by Retail, by virtue of any Licence or Authority, Licences or Authorities, already granted or hereafter to be granted by the Justices of the Peace in that Part of the United Kingdom called *England*, for so long as he or they shall use and exercise the said Trade or Business, or shall hold such Licence or Licences, Authority or Authorities, and no longer, shall at all Times hereafter be disqualified from serving the Office of Constable, Headborough, Police Officer or Patrole; and if at any Time hereafter any such Person or Persons using the said Trade or Business, or holding and using such Licence or Licences, Authority or Authorities, shall be chosen or elected into the Office of Constable or Headborough, that then such Person or Persons producing such Licence or Authority, or Licences or Authorities, to use and exercise the said Trade of a licensed Victualler or Alehouse Keeper, or to sell Ale, Beer or other exciseable Liquors by Retail, duly issued pursuant to the Provisions of this Act, or of any other Act, Law or Charter now in force, to the Person or Persons by whom he shall be so elected or appointed, or by or before whom he shall be summoned, returned or required to serve or hold the said Office of Constable, shall be absolutely discharged from the same; and such Nomination, Election, Return or Appointment shall be utterly void and of none effect, any Order, Custom, Law or Statute to the contrary in any wise notwithstanding; nor shall any such Person using or exercising the said Trade or Business of a licensed Victualler, or to whom any such Licence or Authority shall be granted for the Purposes aforesaid, while he shall so exercise the said Trade, or hold and use such Licence or Authority, take upon himself, or serve, or execute the Office of Deputy to any Constable already chosen, or hereafter to be chosen and elected to that office within that Part of the United Kingdom called *England*, on pain of forfeiting, for every Act to be done, committed or executed by him as or in the Character of Deputy to any such Constable as aforesaid, the Sum of Ten Pounds, to be recovered in manner hereinbefore directed by virtue of this Act.

No licensed Person liable to serve as Constable.

Such Person serving as Constable or Deputy Constable.

Penalty, 10l.

Alehouse Keeper to use Standard Measures.

XX. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and twenty two, all Persons keeping Common Inns, Alehouses or Victualling Houses, and retailing Ale and Beer, shall sell the same in and from their Houses by a full Ale Quart, Pint or Half Pint, made of Pewter, sized to the Standard, and stamped or marked to be of due Size according to the Standard, either from the Exchequer or from some City, Town Corporate, Borough or Market Town, where an Ale Quart, Pint or Half Pint, made from the said Standard, shall be kept for that Purpose, and shall not retail any Ale or Beer in any other Vessels than such stamped Pewter Ale Quarts, Pints and Half Pints, unless such Ale or Beer shall have been first measured in and by such stamped Pewter Ale Quart, Pint or Half Pint, in the Presence of the Guest or Customer purchasing the same, under pain of forfeiting for every Offence a Sum not exceeding Forty Shillings

Penalty not exceeding 40s.

Shillings (together with the Costs of Conviction), to be recovered within Thirty Days next after the committing of such Offence, before any Two Justices of the Peace acting for the County or Place in which such Offence shall have been committed, the One Half to be paid to the Person who shall prosecute or sue for the same, and the other Half to the Poor of the Parish or Place where such Offence shall have been committed; and in case of the Nonpayment thereof, they shall cause the same to be levied upon Goods and Chattels of the Offender, by Warrant of Distress under their Hands and Seals.

Brewer to use Casks of full Size.

XXI. And be it further enacted, That from and after the passing of this Act, if any Brewer or Wholesale Dealer in Ale or Beer, in that Part of the United Kingdom called *England*, shall sell and deliver to any Innkeeper, Alehouse Keeper, Victualler or other Person whomsoever, any Ale or Beer, in Barrels, Casks or other Vessels which shall not be able to contain the full Quantity of Ale or Beer, for which the said Brewer or Wholesale Dealer in Ale or Beer shall charge the Purchaser thereof, such Brewer or Wholesale Dealer in Ale or Beer shall forfeit and pay a Sum not exceeding Five Pounds for every such Barrel, Cask or other Vessel so deficient in Size as aforesaid, together with the Costs of Conviction, to be recovered by Information before One Justice of the Peace, within Thirty Days next after the making of such Charge, who, in case of the Nonpayment thereof, shall cause the same to be levied upon the Goods and Chattels of the Party so offending.

Penalty not exceeding 5*l*. for each Cask deficient in Size.

Application of Penalties.

XXII. And be it further enacted, That all Fines, Penalties and Forfeitures imposed by this Act, and for which no other Means for recovering thereof are hereby provided, may be sued for and recovered by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at *Westminster*; and that One Moiety of all and every Fine, Penalty or Forfeiture by this Act imposed, and not expressly directed to be otherwise applied, shall be to His Majesty, His Heirs and Successors, and the other Moiety to him or them who shall inform, discover or sue for the same.

Proviso for City of London.

XXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to alter the time or times of granting Licences for keeping Common Inns or Alehouses in the City of *London*.

And for former Acts.

XXIV. Provided also, and be it further enacted, That nothing in this Act contained is intended to repeal any former Act or Acts of Parliament made in this Behalf; except only so far as the same or any of the Provisoes and Enactments thereof have been expressly repealed, altered or amended by the present Act.

And for the Universities.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or the Powers of the Chancellors or Vice Chancellors of the same, as by Law possessed under the respective Charters of the said Universities.

Continuance of Act.

XXVI. And be it further enacted, That this Act shall commence and take place from the passing thereof, and from thence shall continue and be in force for and during the Term of Three Years, and from thence to the End of the then next Session of Parliament.

SCHEDULE (A.)

FORM of Recognizance.

Middlesex, } AT a . Meeting of His Majesty's Justices of the Peace acting in and for the Division [*or* Liberty, &c. *as the case may be*,] held at in the Division [*or* Liberty, &c.] and County aforesaid, on the day of One thousand eight hundred and *T. S.* at the Sign of, &c. Victualler, acknowledges himself to be indebted to our Sovereign Lord the King, in the Sum of Pounds, *E. F.* of, &c. acknowledges himself to be indebted to Our Sovereign Lord the King in the Sum of Pounds, to be levied upon their several Goods and Chattels, Lands and Tenements, by way of Recognizance to His Majesty's Use, His Heirs and Successors, upon Condition that the said *T. S.* do and shall keep the true Assize in uttering and selling Bread and other Victuals, Beer, Ale and other Liquors in his, her or their House, and shall not fraudulently dilute or adulterate the same, and shall not use, in uttering and selling thereof, any Pots or other Measures that are not of full Size, and shall not wilfully or knowingly permit Drunkenness or Tippling, nor get drunk in his, her or their House or other Premises; nor knowingly suffer any gaming with Cards, Draughts, Dice, Bagatelle or any other sedentary Game in his, her or their House, or any of the Outhouses, Appurtenances or Easements thereto belonging, by Journeymen, Labourers, Servants or Apprentices; nor knowingly introduce, permit or suffer any Bull, Bear or Badger baiting, Cock fighting or other such Sport or Amusement in any Part of his, her or their Premises; nor shall knowingly or designedly, and with a View to harbour and entertain such, permit or suffer Men or Women of notoriously bad Fame, or dissolute Girls and Boys, to assemble and meet together in his, her or their House, or any of the Premises thereto belonging; nor shall keep open his, her or their House, nor permit or suffer any drinking or tippling in any Part of his, her or their Premises during the usual Hours of Divine Service on Sundays: nor shall keep open his, her or their House or other Premises during late Hours of the Night or early in the Morning, for any other Purpose than the Reception of Travellers, but do keep good Rule and Order therein according to the Purport of a Licence granted for selling Ale, Beer or other Liquors by Retail in the said House and Premises for One whole Year, commencing on the Tenth Day of October next, then this Recognizance to be void, or else to remain in full force.

SCHEDULE (B.)

AT a General Meeting of His Majesty's Justices of the Peace, acting in and for the Division in the County of holden at within the said Division, on the Day of One thousand eight hundred and for the Purpose of authorizing and empowering Persons to keep Common Inns, Alehouses or Victualling Houses, we, being

being of His Majesty's Justices of the Peace acting in and for the said Division and County assembled at the said Meeting, do hereby authorize and empower at the Sign of the in in the Division and County aforesaid having produced the Certificate required by Law to keep a Common Inn, Alehouse or Victualling House, and to utter and sell in the said House wherein now dwelleth, called or known by the Sign of the and in the Premises thereunto belonging and not elsewhere, Victuals and all such exciseable Liquors as shall be licensed and empowered to sell, under the Authority and Permission of any Excise Licence, which shall be duly granted by the Commissioners of Excise, or Persons to be appointed or employed by them for that Purpose, provided that the true Assize in Bread, Beer, Ale, Cyder and all other Liquors, be duly kept; and that the said do not fraudulently dilute or adulterate the same, or sell the same knowing them to have been fraudulently diluted or adulterated, and do not use, in uttering and selling thereof, any Pots or other Measures that are not of full Size, and do not wilfully or knowingly permit Drunkenness or Tippling, or get drunk in House or other Premises, nor knowingly suffer any gaming with Cards, Draughts, Dice, Bagatelle or any other sedentary Game, in House, or any of the Outhouses, Appurtenances or Easements thereto belonging, by Journeymen, Labourers, Servants or Apprentices; nor knowingly introduce, permit or suffer any Bull, Bear or Badger baiting, Cock fighting or other such Sport or Amusement, in any Part of Premises; nor shall knowingly and designedly, and with a view to harbour and entertain such, permit or suffer Men or Women of notoriously bad Fame, or dissolute Girls and Boys, to assemble and meet together in House or any of the Premises thereto belonging; nor shall keep open House, nor permit or suffer any drinking or tippling in any Part of Premises, during the Hours of Divine Service on Sundays; nor shall keep open House or other Premises during late Hours of the Night or early in the Morning, for any other Purpose than the Reception of Travellers, but that good Order and Rule be maintained and kept therein; the Authority and Power hereby granted to continue in force for One whole Year, from the Tenth Day of October next, and no longer.

Signed

CAP. LXXVIII.

An Act to enable His Majesty to make Leases, Copies and Grants of Offices, Lands and Hereditaments, Parcel of the Duchy of *Cornwall*, or annexed to the same.

[26th *July* 1822.]

'WHEREAS His most Excellent Majesty now stands seised 'of the Duchy of *Cornwall*, and the Possessions thereof: 'And Whereas some Doubts may arise in relation to His Majesty's 'making of Leases and Grants of Offices, Lands and Heredita-

'ments, Parcel of His said Duchy, or thereunto annexed or be-
'longing: For obviating whereof, and for the Ease and Quiet of
'the Minds of such Persons as have taken or shall hereafter take
'Leases from His said most Excellent Majesty, and to the End
'that such Persons may be sure to have good and indefeasible
'Estates, and be encouraged to lay out Monies in building and
'repairing, or otherwise improving the several Lands and Tene-
'ments to them demised or to be demised;' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That during such Time as the said Duchy of *Cornwall* shall remain vested in His Majesty, it shall and may be lawful for His Majesty, from time to time, by Warrant under His Sign Manual, to be countersigned by any Three or more of the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, to authorize such and so many of the regular Officers of the said Duchy who, by virtue of their several Appointments and Offices, are concerned in the general Superintendence and Management of the Revenues and Affairs of the said Duchy, being not more than Five and not less than Three in Number, as His Majesty may think fit, to demise, or lease, in His Majesty's Name and on His Majesty's Behalf, by Deed under the Hands and Seals of any Two or more of them, all and every the Manors, Messuages, Parks, Tenements, Lands and Hereditaments, Parcels of the Possessions of the said Duchy of *Cornwall*, or annexed to the same; provided that the Lessee or Lessees in such Leases respectively to be named, do and shall duly execute a Counterpart or Counterparts of the Lease or Leases so to be made to him, her or them respectively, and also to constitute and appoint, in His Majesty's Name and on His Majesty's Behalf, by Deed or other Instrument executed by any Two or more of them, all such Persons as shall be specially named by His Majesty to be Stewards Commissioners for assessing the ancient Duchy Lands and Tenements, or other Officers of the said Duchy, during His Majesty's Pleasure, and also to pass the Accounts of all Receivers, Bailiffs and Collectors, accounting for the Revenues of the said Duchy; and all such Leases or Grants so made or to be made of any Manors, Messuages, Parks, Tenements, Lands or Hereditaments, by virtue of such Warrant, shall be good and effectual in Law, according to the Purport and Contents thereof, against our Sovereign Lord the King, His Heirs and Successors, and against all and every other Person or Persons, that shall at any Time hereafter have, inherit or enjoy the said Duchy, by force of any Act of Parliament, or by other Limitations whatsoever: Provided always, that every such Lease or Grant so made or to be made of any Manors, Messuages, Parks, Tenements, Lands or Hereditaments, in Possession, be and shall be made for Three Lives or fewer, or for Three Years or under, or for some Term of Years determinable upon One, Two or Three Lives, and not above; and if any such Lease or Grant be made in Reversion or Expectancy, that then the same, together with the Estates in Possession, do not exceed Three Lives, or the Term of Thirty

His Majesty may authorize certain Persons to grant Leases, and to execute Appointments.

Terms of Leases.

Thirty one Years, and be not in any wise dispunishable of Waste; and so as upon every such Lease or Grant there be or shall be reserved the ancient or most usual Rent, or more, or such Rent as hath been reserved, yielded or paid, for such of the Premises as are or shall be contained therein, for the greater Part of Twenty Years next before the making of the said Leases or Grants, and shall be reserved, due and payable to such as have the Inheritance or other Estate of the said Duchy; and where no such Rent hath been reserved or payable, that then, upon every such Lease or Grant, there be or shall be reserved a reasonable Rent, not being under the Twentieth Part of the clear yearly Value of the Manors, Messuages, Parks, Tenements, Lands or Hereditaments contained in such Lease or Grant.

'II. And Whereas certain Parts of the said Duchy are capable 'of considerable Improvement, by the Erection of substantial 'Buildings thereon, and by the Cultivation of Waste Lands, which 'cannot be undertaken by the Lessees, unless they are secured 'by the longer Interest in the Premises than Thirty one Years, 'or a Term of Years determinable upon Three Lives;' Be it further enacted, That it shall be lawful for the said Officers of the Duchy, to be named in His Majesty's said Warrant, and they are hereby empowered, by Deed under the Hands and Seals of any Two or more of them, to demise, lease or grant any Lands, Tenements or Hereditaments, Parcel of the Possessions of the said Duchy of *Cornwall*, or annexed to the same, for any Term of Years, not exceeding the Term of Ninety nine Years, expressly for the Purpose of improving the same, by erecting substantial Buildings thereon, or for the Purpose of improving Waste Lands by Cultivation or otherwise; provided that the Lessee or Lessees in such Leases or Grants respectively to be named do and shall duly execute a Counterpart or Counterparts of the Lease or Leases so to be made to him, her or them respectively; and further provided that upon all such Leases or Grants so to be made, improved annual Ground Rents be reserved and made payable; and that in all such Cases of Leases or Grants so to be made for Terms exceeding Thirty one Years, or exceeding the usual Term determinable upon Three Lives, no Fines or other Consideration be taken, further or other than the improved annual Ground Rents hereby directed to be reserved as aforesaid.

Leases may be granted for building, or improving Wastes.

Counterpart to be executed.

No Fine to be taken.

III. Provided always, and be it further enacted, That the Terms and Conditions of all Leases and Grants to be granted or made under the Provisions of this Act, shall be previously approved by the Commissioners of His Majesty's Treasury, or any Three or more of them.

Leases previously approved by Treasury.

IV. And be it further enacted, That all Covenants, Conditions, Reservations and Agreements, contained in every such Lease or Grant, made or to be made as aforesaid, shall be good and effectual in Law, according to the Words and Intent of the same, as well for and against them to whom the Reversion of the said Manors, Messuages, Parks, Tenements, Lands or Hereditaments shall come, as for and against them to whom the Interest of such Leases or Grants shall come respectively, as if our Sovereign Lord the King's Majesty, at the Time of making such Covenants, Conditions, Reservations and Agreements, had been or were

Covenants to be effectual in Law, according to Contents.

seised of an absolute Estate in Fee Simple in the same Manor, Messuages, Parks, Tenements, Lands or Hereditaments.

General Saving.

V. Saving always, to all and every Person or Persons, Bodies Politic and Corporate, their Heirs and Successors, Executors, Administrators and Assigns, (other than His said Majesty, His Heirs and Successors, and other than the Duke and Dukes of *Cornwall* for the time being, and his and their Heirs, their Lessees, and all and every other Person and Persons that shall hereafter have, inherit and enjoy the said Duchy of *Cornwall*, by force of any Act of Parliament, or other Limitation whatsoever,) all such Rights, Titles, Estates, Customs, Interests, Tenures, Terms, Claims and Demands whatsoever, of what Nature, Kind or Quality soever, of, in, to or out of the said Manors, Offices, Messuages, Parks, Tenements, Lands or Hereditaments or any of them, Parcel of or annexed to the said Duchy of *Cornwall*, as they or any of them had or ought to have had before the making of this Act, to all Intents and Purposes, and in as large and ample Manner and Form, as if this Act had never been made; this Act or any other Thing therein contained to the contrary notwithstanding.

CAP. LXXIX.

An Act to amend an Act of the Fifty third Year of the Reign of His late Majesty, for the Appointment of Commissioners for the Regulation of the several endowed Schools in *Ireland*. [26th *July* 1822.]

53 G.3. c.107. § 1.

'WHEREAS by an Act passed in the Fifty third Year of the Reign of His late Majesty King *George* the Third, intituled '*An Act for the Appointment of Commissioners for the Regulation of the several endowed Schools of public and private Foundation in* Ireland, it is amongst other things enacted, that the Lord Primate of all *Ireland*, the Lord High Chancellor of *Ireland*, the Lord Archbishop of *Dublin*, the Lord Archbishop of *Tuam*, and the respective Coadjutors of the said Primate and Archbishops for the time being, the Lord Chief Justice of the Court of King's Bench in *Ireland*, and the Provost of *Trinity College*, *Dublin*, for the time being, and Four of the Bishops of *Ireland*, to wit, one for each Province, and Four other proper and discreet Persons, such Bishops and other Persons to be from time to time appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being and to be removable at his or their Pleasure, shall be a Corporation, and be called The Commissioners of Education in *Ireland*: And Whereas it is expedient that certain other Persons should be appointed to be Commissioners, together with the Commissioners named in the said Act, in order that the said Corporation may be further increased, and the Purposes thereof more effectually carried into Execution:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Persons herein named appointed additional Commissioners.

and by the Authority of the same, That from and after the passing of this Act, the Archbishop of *Cashel* and his Coadjutor now and hereafter for the time being, the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* now

and hereafter for the time being, and the Member chosen to serve in Parliament for the said *Trinity College*, in *Dublin*, now and hereafter for the time being, shall be and are hereby appointed, and shall be deemed and taken to be respectively Commissioners of Education in *Ireland*, and Members respectively of the said Corporation, to all Intents and Purposes, as fully and effectually, and with all such Rights, Powers and Privileges, as if they had respectively been included and mentioned as such Commissioners and Members of the said Corporation in the said recited Act.

Lord Lieutenant may name Two Residents in Dublin to be additional Commissioners.

II. And be it further enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, to appoint Two other proper and discreet Persons, who shall be usually resident in the City of *Dublin*, to be Commissioners of Education in *Ireland*, and to be removable at the Pleasure of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being; and such Two Persons so to be appointed shall thereupon become and be Two of the Commissioners of Education in *Ireland*, and Members respectively of the said Corporation, during the Pleasure of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, as fully and effectually as if they had been so constituted, appointed and specified in and by the said recited Act.

'III. And Whereas in and by the said recited Act it is 'amongst other things provided, that no Proceeding which 'requires to be ratified and confirmed by the Common Seal of the 'said Corporation, shall be finally concluded, nor the said Seal 'fixed to any Deed or Instrument in the Name of the said Com-'missioners, unless the Lord Primate, or the Lord Chancellor or the 'Chief Justice of the Court of King's Bench for the time being, 'be personally present at the Meeting of the said Commissioners 'at which it is proposed that such Proceeding shall be deter-'mined or such Deed or Instrument shall be executed; or unless 'the Consent and Approbation of Two of the said Commissioners 'last mentioned, previously given to such Proceeding, or to such 'Deed or Instrument, shall be signified under their Hand 'respectively, and communicated to the Commissioners assembled 'at such Meeting, held pursuant to general Notice, as in the said 'Act is provided;' For remedying Inconveniences resulting from the said Provision, be it enacted, That the said recited Provision of the said Act shall be and the same is hereby repealed.

53 G.3. c.107. § 7. repealed.

Seal may be affixed by Three Trustees, the Primate or Chancellor, &c. being one.

IV. And be it further enacted, That from and after the passing of this Act, the Seal of the said Corporation may be affixed to any Deed, Act or Instrument, in the Name of the said Corporation, at any Meeting of the said Commissioners, or of any Three of them, of whom the Lord Primate, the Lord Chancellor or any of the Archbishops of *Dublin*, *Cashel* or *Tuam*, or the Chief Justice of the Court of King's Bench, or the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or the Provost of *Trinity College*, *Dublin*, for the time being respectively, shall be One.

'V. And Whereas Doubts are entertained whether the said 'Commissioners can lawfully hold a Visitation of any of the 'Schools mentioned in the said Act in the City of *Dublin*;' Be it therefore

Visitations of any School may be holden in Dublin by the Commissioners.

therefore declared and enacted, That it shall and may be lawful to and for the said Commissioners, or any Three of them, to hold any Visitation of any such School in *Ireland*, at such Place in the City of *Dublin* as they shall respectively appoint; and at such Visitation to use and exercise all and every the Rights, Powers, Authorities and Privileges which they are respectively empowered by the said Act to use or exercise at any Visitation, and at any Place whatsoever; and that each and every Act, Matter and Thing done by such Commissioners at, or in pursuance of, or after any such Visitation, shall be of the same Force, Validity and Effect, to all Intents and Purposes, as if such Visitation had been held at such School.

'VI. And Whereas by the said recited Act it is among other 'things provided, that if at any Time it shall seem requisite to 'the said Commissioners, it shall and may be lawful for the said 'Commissioners, by any Writing under their Hands and Seals, to 'depute and appoint One or more Person or Persons for them 'and in their Stead to visit any of the Schools in the said Act men- 'tioned in that Behalf, and to proceed therein in manner in the 'said Act provided: And Whereas it is expedient that every such 'Appointment shall be made by Instrument under the Common

53 G. 3. c. 107. § 10. repealed.

'Seal of the said Commissioners;' Be it therefore enacted, That so much of the said Act as provides that any Deputation or Appointment of such Visitor shall be under the Hands and Seals of the said Commissioners, shall be and the same is hereby repealed; and

Such Appointment to be under the Corporation Seal.

that from and after the passing of this Act, it shall and may be lawful to and for the Commissioners of Education in *Ireland*, by Deed or Instrument under the Common Seal of the said Corporation, from time to time to depute and appoint, when it shall seem to them requisite so to do, One or more Person or Persons, for them and in their Stead, to visit any of the Schools mentioned in the said Act, and to proceed with and in such Visitation in manner in the said Act directed in that Behalf, and not otherwise.

Oath of Assistant Commissioners to be taken before some official Commissioner.

VII. And be it further enacted, That every Person so appointed by the said Commissioners to visit any of the said Schools, shall, before he shall do any Act under or by virtue of such Appointment, take the following Oath before any One or more of the said Commissioners holding the Office of a Commissioner or Commissioners in right of his or their respective Offices aforesaid; (that is to say,)

'I *A. B.* having been appointed by the Commissioners of 'Education in *Ireland*, for them and on their Behalf, to visit 'the School of , do swear, 'That I will faithfully and diligently execute the Duties of the 'said Office, according to the best of my Skill and Judgment, 'and without Favour or Partiality to any Person or Persons 'whatsoever. So help me GOD.'

Which Oath any One or more of such Commissioners respectively is and are hereby authorized and empowered to administer.

53 G. 3. c. 107. § 11.

'VIII. And Whereas by the said recited Act the several Lands, 'Tenements and Hereditaments granted by King *Charles* the 'First, for the Use of the Masters of the Schools of *Armagh*, '*Dungannon*, *Enniskillen*, *Raphoe*, *Cavan*, *Bannagher* and *Carys-*

'*fort*,

'*fort*, are vested in the said Commissioners and their Successors 'for ever, for the Maintenance and Support of the Masters of 'the said several Schools and of Under Masters when necessary, 'and to the enlarging, furnishing and providing the School 'Houses and Grounds thereof respectively, in manner therein 'mentioned; and it is by the said Act provided, that the Residue 'of any of the Funds of the said Schools respectively shall be 'applied in the supporting of Free Scholars in such Schools re-'spectively, and to the Endowments of Exhibitions to *Trinity* '*College*: And Whereas it is expedient that the said Commission-'ers of Education should have Power, in the First Instance, to 'apply such Residue as hereinafter provided:' Be it therefore enacted, That whenever any Residue shall remain of the Funds of any of the said Schools last mentioned, after defraying the Expence of the Master and of the Under Master or Masters (if any), and of all Enlargements and Improvements of and in the School House, Grounds, Appurtenances and Furniture thereof, which shall be thought necessary, as by said Act is directed, it shall and may be lawful to and for the said Commissioners of Education, if they shall think fit, to cause such Residue or such Part or Share thereof as they shall deem sufficient, to be applied to and in the like Maintenance and Improvement of any other or others of the said Schools last mentioned, whose Funds may stand in need of such Aid; and if such Residue shall be more than sufficient for that Purpose, then so much as shall remain thereof shall be applied in manner in the said recited Act directed.

Surplus of Funds of any one of the Free Schools of Armagh, Dungannon, Enniskillen, &c. may be applied in Improvement of any other of such Schools.

IX. And be it further enacted, That in any such Case, if there shall be an occasion for an Advance of Money, according to the Provisions of the said recited Act of the Fifty seventh † Year of His late Majesty's Reign, it shall and may be lawful to and for the said Commissioners of Education to petition the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for such Advance on the Security of such Residue of the Funds of any One or more of the said last mentioned Schools, to be applied to the Improvement of any other or others of such Schools, and for the Purposes of such Improvement; and it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to order such Advance to be made, in such and the like manner in all respects, as is provided in the said Act in cases where the Sum advanced is to be applied for the Benefit of any School on whose Funds the Repayment thereof is to be secured; and such Advance so ordered shall be made in such and the like manner, and on the same Terms and Conditions and no other, as in the said Act is provided with respect to any Advances authorized by the said recited Act.

Commissioners may apply to Lord Lieutenant for Advances on Credit of such Surplus.

† *Sic.*

'X. And Whereas it is by the said Act among other things 'provided, that whenever the Grand Jury of any County in 'which any Diocesan or District School, or the Site appointed 'for the same, shall be, shall present any Sum on the County for 'purchasing, providing, building or repairing any such School 'House or a Dwelling House for the Master thereof or any Offices 'or Appurtenances thereof respectively, or a Site for the same in 'manner therein mentioned, and shall make such Presentment as 'and for the School House of the Diocese only within which 'such County shall be situate or as and for the Dwelling House of

'the

'the Master of such Diocesan School only, such Diocese shall 'not be or remain united to or with any other Diocese under any 'of the provisions of the said Act; but such Diocesan School 'shall be supported within its proper Diocese only, and that the 'Money raised in such Diocese shall be applied solely to the Use 'of such Diocesan School and not to any District School or other 'School out of such Diocese: And Whereas the beneficial Con-'sequences expected have not followed from the said recited

53 G. 3. c. 107. § 28. repealed.

'Proviso;' Be it therefore enacted, That the said recited Proviso 'shall be and the same is hereby repealed.

'XI. And Whereas in and by the said recited Act of the Fifty 'third Year of His said late Majesty's Reign, divers Powers are 'granted to the said Commissioners of Education to visit and re-'gulate certain Schools of private Foundation and Endowment 'then existing in *Ireland*, of the Nature and Description in the 'said Act particularly set forth; and it is expedient to extend the 'said Powers to all such Schools of private Foundation and En-'dowment which may at any time exist in *Ireland*;' Be it there-

53 G. 3. c. 107. § 14, 15. Extended to future private Schools of a like Nature.

fore enacted, That all and every the Powers by the said recited Act granted to or vested in the Commissioners of Education for visiting and regulating such Schools of private Foundation and Endowment, as were existing at the time of the passing of the said Act, shall extend to all Schools of the Nature and Description in the said Act mentioned, which have been or shall be built, erected, founded or endowed in *Ireland* at any time after the passing of the said recited Act or this Act, in the same Manner and to the same Extent in all respects whatsoever, as if such Schools had been founded, endowed and erected previous to the passing of the said recited Act, and not further or otherwise.

Advances for building Schools, &c. made repayable by Instalments of Six per Cent. per Annum, instead of Ten per Cent. as under 53 G. 3. c. 107.

XII. And be it further enacted, That from and after the passing of this Act, upon any Petition to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from the Commissioners under the said recited Act, for the Advance of Money for purchasing, building, rebuilding, enlarging or repairing any School House belonging to any School under the Jurisdiction of the said Commissioners or any of the Appurtenances or Accommodations belonging to or necessary for the convenient Use of such School, setting forth what yearly Sum, not being less than Six *per Centum* on the Sum required, can be paid out of the Revenue of such School, to replace the Sum so advanced, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, if he or they shall think proper so to do, to direct that such Sum as he or they shall think proper, not exceeding the Sum required by such Petition, shall be advanced and repaid in like manner as such Lord Lieutenant or other Chief Governor or Governors is by the said Act authorized to do, in case of a Petition setting forth what yearly Sum less than Ten *per Centum* can be paid out of the Revenue of such School, and as if the said Sum of Six *per Centum* had been mentioned in the said Act instead of the said Sum of Ten *per Centum*; any thing in the said recited Act to the contrary notwithstanding.

Act may be amended, &c. this Session.

XIII. And be it further enacted, That this Act may be amended, altered or repealed by any Act or Acts to be made during the present Session of Parliament.

CAP.

CAP. LXXX.

An Act to continue until the First Day of *August* One thousand eight hundred and twenty three an Act made in this present Session of Parliament, for suppressing Insurrections and preventing Disturbances of the Public Peace in *Ireland*.

Cap. 1. *ante*, *continued.*

[26th *July* 1822.]

CAP. LXXXI.

An Act to amend the Laws relating to Bankrupts.

[26th *July* 1822.]

WHEREAS it is expedient to provide by Law as hereinafter is enacted: May it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Commissioners in any Commission of Bankrupt, or the major Part of them, by Writing under their Hands and Seals, to summon before them, at any Meeting or Meetings to be held under the Commission, after they have duly qualified, and before the Bankruptcy is found, all and every such Person and Persons as they shall be informed and believe can give any Account or Information concerning the Trading, or any Act or Acts of Bankruptcy committed by the Person or Persons against whom such Commission shall be issued; and also to require such Person or Persons so summoned to produce any Books of Account, Papers, Deeds, and Writings, and other Documents in the Custody, Possession or Power of such Person or Persons, which may appear to such Commissioners, or the major Part of them, to be necessary to establish such Trading or Act or Acts of Bankruptcy; and in case the said Person or Persons so summoned to appear as aforesaid shall refuse to come or shall not come before the said Commissioners at the Time appointed, having no lawful Impediment, such as shall be admitted and allowed by the said Commissioners or the major Part of them, and made known to the said Commissioners at the Time of their Meeting, it shall be lawful for the said Commissioners, or for the major Part of them, by Warrant under their Hands and Seals, and directed to such Person or Persons as to them or the greater Part of them shall be thought meet, to apprehend and arrest such Person or Persons, and to bring him, her or them before the said Commissioners or the major Part of them, to be examined as aforesaid; and upon his, her or their refusing to come, to commit the Party so refusing to such Prison as the said Commissioners, or the major Part of them, shall think meet, there to remain without Bail or Mainprize until such Time as such Person or Persons so refusing to come shall submit him, her or themselves to the said Commissioners; and upon the Appearance of the said Person or Persons, it shall be lawful for the said Commissioners, or the major Part of them, to examine him† or them concerning the Trade of, or any Act or Acts of Bankruptcy committed by the Person or Persons against whom

Commissioners may summon Witnesses as to Trading and Act of Bankruptcy.

And to produce Books and Papers.

Persons refusing to attend may be apprehended.

Persons refusing to be examined, or to produce Books, &c. may be committed by Commissioners.

† *Sic.*

whom such Commission shall be issued, in the same manner as they are now authorized to examine any Person present at any Meeting of the Commissioners; and in case any Person or Persons present at any such Meeting of the Commissioners shall refuse to be sworn, or being one of the People called *Quakers*, to take the solemn Affirmation by Law appointed for such People to take, or shall refuse to answer all or any such lawful Questions as by the said Commissioners, or the major Part of them, shall be put unto him, her or them, touching the Trading of, or any Act or Acts of Bankruptcy committed by the Person or Persons against whom such Commission shall issue, as well by Word of Mouth as by Interrogatories in Writing, or shall refuse to sign and subscribe his, her or their examination taken down or reduced into Writing, (not having a reasonable Objection either to the Wording thereof, or otherwise, to be allowed by the said Commissioners,) or shall refuse to produce or shall not produce all and every Book of Account, Paper, Writing and other Document in the Custody, Possession or Power of such Person or Persons which may appear to the Commissioners, or the major Part of them, to be necessary to establish the Trading of, or Act or Acts of Bankruptcy committed by the Person or Persons against whom such Commission shall issue, and which such Person or Persons was or were required to produce, and to the Production of which such Person or Persons shall not state any Objection which, in the Judgment of the Commissioners or the major Part of them, ought to be allowed as lawful Objections, it shall and may be lawful to and for the said Commissioners, or the major Part of them, by Warrant under their Hands and Seals, to commit him, her or them to such Prison as the said Commissioners, or the major Part of them, shall think fit, there to remain without Bail or Mainprize until such Time as such Person or Persons shall submit him, her or themselves to the said Commissioners to be sworn, and full Answer make to the Satisfaction of the said Commissioners to all such lawful Questions as shall be put to him, her or them, and sign and subscribe such Examination, and produce all such Book and Books of Account, Papers, Deeds, Writngs and other Documents in his, her or their Custody, Possession or Power, as may appear to the said Commissioners, or the major Part of them, to be necessary to establish the Trading or Act or Acts of Bankruptcy committed by the Person or Persons against whom such Commission of Bankrupt shall be issued as aforesaid, and to the Production of which no such Objection as aforesaid has been allowed, according to the true Intent and Meaning of this Act.

Payment of Costs to Witnesses at opening of Commission.

II. Provided also, and be it further enacted by the Authority aforesaid, That where any Witness or Witnesses is or are summoned to attend before the Commissioners in any Commission of Bankruptcy, at the Meeting appointed by them for opening such Commission, the necessary Expences shall be tendered to such Witness or Witnesses, in the same manner as is now by Law required upon Service of a Subpœna to a Witness in any Action at Law.

Assignees may execute Powers previ-

III. And be it further enacted by the Authority aforesaid, That all Powers vested in or belonging to any Bankrupt or Bankrupts, which he, she or they might legally execute for his, her or their

own Benefit, (except the Right of Nomination to any Benefice with Cure of Souls, or parochial Church or Chapelry then actually vacant,) shall and may be executed and exercised by the Assignee or Assignees for the Benefit of the Creditors, in such and the same manner, to all Intents and Purposes, as the Bankrupt himself could or might have executed or exercised the same.

only vested in Bankrupts.

Exception.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, upon a Petition presented to him or them by the Assignee or Assignees, or by a Purchaser under the Commission from the Assignee or Assignees, of any Part of the Bankrupt's Estate or Effects, to order the Bankrupt, at the Time of the Allowance of or after he has obtained his Certificate, to join in the Conveyance and Assurance of any Estate and Effects of such Bankrupt, according to the Tenor of any Order that shall be made therein upon such Petition; and if any such Bankrupt shall refuse or neglect to execute any such Deed or Conveyance within such time and in such manner as shall be directed by such Order so to be made as foresaid, then such Bankrupt so refusing, declining or neglecting to execute such Deed or Conveyance, and his Heirs, Executors, Administrators and Assigns, and all and every Person claiming under him by virtue of any Act by him done from the time he became Bankrupt, shall be for ever estopped from objecting to the Validity of such Deed or Conveyance; and such Deed or Conveyance shall, upon an Order made upon Petition by the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, be declared to be and as effectual to all Intents and Purposes whatsoever, both at Law and in Equity, as if it had been executed by the said Bankrupt.

Lord Chancellor may order Bankrupts to join in Conveyances.

Bankrupt refusing, estopped from objecting to Validity of Deed.

'V. Whereas by an Act passed in the Fifth Year of the Reign 'of His Majesty King *George* the Second, intituled *An Act to 'prevent the committing of Frauds by Bankrupts*, reciting, that it 'might be found necessary that as well Assignments of Bank-'rupts' Estates then already made by Commissioners, as Assign-'ments thereafter to be made pursuant to the Choice of Creditors, 'should be vacated, and a new Assignment or Assignments made 'of the Debts and Effects unreceived and not disposed of by the 'then Assignees to other Persons to be chosen by the Creditors; 'it was therefore enacted and declared, that it should and might 'be lawful to and for the Lord Chancellor, Lord Keeper or Com-'missioners for the Custody of the Great Seal for the time being, 'upon Petition of any Creditors, to make such Order therein 'as he or they should think just and reasonable; and in a case 'a new Assignment should be ordered as aforesaid, then that such 'Debts, Effects and Estate of such Bankrupt should be thereby 'effectually and legally vested in such new Assignee or Assig-'nees: And Whereas doubts have arisen whether the said Clause 'extends to authorize the vacating of Deeds of Bargain and Sale 'enrolled of the Lands, Tenements and Hereditaments of Bank-'rupts, and it is deemed expedient that such Doubt should be 'removed:' Be it therefore enacted and declared by the Authority aforesaid, That such Clause does extend to the vacating of any Deeds of Bargain and Sale enrolled of the Lands, Tenements and

5 G. 2. c. 30. § 31.

Extent of the said Clause as

to vacating Bargains and Sales enrolled.

† *Sic.*

and Hereditaments of any Bankrupt, and that from time to time hereafter it shall and may be lawful to and for the Lord Chancellor, Lord Keeper or Lords Commissioners for † the Great Seal for the time being, upon the Petition of any Creditors, to make such Order as he or they shall think just and reasonable, for the vacating of any Deed of Bargain and Sale of the Lands, Tenements and Hereditaments, Freehold or Copyhold, of any Bankrupt or Bankrupts then remaining unsold and not conveyed; and the Inrolment thereof, without nevertheless in any manner affecting the Title of any Purchaser under any Bargain and Sale prior to such Order being made, and without reviving any Estate previously barred, but the Title of every such prior Purchaser, and of all claiming under him, shall be good and valid to all Intents and Purposes whatever, in the same manner as if no such Order had been made; and that the Lord Chancellor, Lord Keeper or Lords Commissioners for the time being, may order the Commissioners, or the major Part of them, to execute a new Bargain and Sale of such Lands, Tenements and Hereditaments as shall remain unsold or not conveyed to such Person or Persons, and in such manner as to him or them may seem just; and that such Conveyance shall be good and valid to all Intents and Purposes whatsoever, without any Conveyance from any former Assignee or Assignees, or his or their Heirs or Assigns: Provided always, that the Order so made for vacating such Bargain and Sale shall be duly enrolled, together with the new Bargain and Sale made in pursuance of such Order.

Lord Chancellor may order Commissioners to execute a new Bargain and Sale.

Perjury before Masters in Chancery.

'VI. And Whereas Doubts have been suggested, whether any 'Person who wilfully and corruptly swears falsely in an Affidavit 'made before a Master in Chancery in any Matter of Bankruptcy, 'is liable to the Pains and Penalties now by Law inflicted for this 'Offence of wilful and corrupt Perjury, and which Doubts ought 'to be removed;' Be it therefore further declared and enacted by the Authority aforesaid, That every such Offender is liable to such Pains and Penalties; and that if any Person at any time hereafter shall wilfully and corruptly swear falsely in any Affidavit or Deposition, (or, being of the People called *Quakers*, shall wilfully and corruptly affirm falsely,) before any Master in Chancery in Ordinary or Extraordinary in any Matter of Bankruptcy, such Person, being convicted thereof by Indictment or Information, shall be liable to suffer the Pains and Penalties now in force against wilful and corrupt Perjury.

Office Copies to be Evidence in certain Cases.

VII. And be it further enacted by the Authority aforesaid, That on the Trial of any Suit or Action now commenced or brought, or to be commenced or brought, or of any Issue directed or which shall hereafter be directed to be tried, an Office Copy of any Bond, Affidavit, Certificate, Report, Exception, Letter of Attorney or of any other original Instrument or Writing filed in the Office, or officially in the Custody or Possession of the Lord Chancellor's Secretary of Bankrupts for the time being, shall be Evidence to be received of such Bond, Affidavit, Certificate, Report, Exception, Letter of Attorney or other original Instrument or Writing respectively, without producing the Original, such Copy being upon proper Stamp, and proved by Oath on such Trial to be a true Copy; and in case any such Bond, Affidavit, Certificate, Report, Exception,

tion, Letter of Attorney or other Writing, shall hereafter be produced on any such Trial, the Costs of producing the same shall not be allowed on Taxation of Costs in any such Suit or Action, unless it shall be made appear, to the Satisfaction of the Officer who shall tax such Costs, that from the Nature of the Case to be proved, the production of such Bond, Affidavit, Certificate, Report, Exception, Letter of Attorney or other Writing on any such Trial was necessary, and not occasioned through any Neglect, Default or Delay in obtaining such Office Copy thereof as aforesaid: Provided always, that nothing herein contained shall extend to authorize the receiving in Evidence of such Office Copy or to alter or affect any Evidence now required on the Trial of any Indictment or Prosecution for Felony or Perjury, or other Offence or Misdemeanor.

Costs of producing the same.

Proviso respecting Trials for Felony, &c.

VIII. And be it further enacted by the Authority aforesaid, That any Creditor or Creditors whose Debt or Debts is or are of a Nature and Amount sufficient to entitle him, her or them to Petition for a Commission of Bankruptcy to be issued against all the Partners of any Firm, may Petition for a Commission of Bankruptcy to be issued against Two or more Partners of such Firm; and that a Commission may be issued upon such Petition, which shall be valid at Law, to all Intents and Purposes whatsoever, notwithstanding it does not include all the Partners of which the Firm is composed.

Joint Commissions may be issued against Two or more of the Partners in a Firm.

IX. And be it further enacted by the Authority aforesaid, That if, after a Commission of Bankruptcy shall be issued against Two or more Members composing Part of a Firm, another Commission or other Commissions of Bankruptcy shall be issued against any One or more Members of such Firm not included in the Commission which first issued, such Second, Third or other Commission shall be directed to the Commissioners to whom the First Commission was directed; and immediately after the Declaration of Bankruptcy under such Second, Third or other Commission, the Commissioners or the major Part of them shall convey to the Assignee or Assignees chosen under the First Commission all the Estate, Real and Personal, of such Bankrupt or Bankrupts, in the same manner as if such Commission had first issued; and from and after such Conveyance all separate Proceedings under such Second, Third or other Commission shall be stayed, and it shall, without affecting the Validity of the First Commission, be annexed to and form Part of such First Commission: Provided always, that the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the time being, may, if it to him or them appear necessary, direct that such Second, Third or other Commission to† be issued to any other Commissioners, or that such Commission shall proceed, either separately or in conjunction with such First Commission, in the same manner as if such Second, Third or other Commission had alone issued.

In such case, Prosecution of a Second or other Commission, stayed.

Proviso for issuing other Commissions.

† *Sic.*

X. And be it further enacted by the Authority aforesaid, That in case a joint Creditor or joint Creditors of Three or more Persons being Partners shall be the petitioning Creditor or Creditors in a Commission of Bankruptcy issued against Two or more Persons being Partners, as well such joint Creditor as any other joint Creditor shall be permitted to vote in the Choice of Assignees, and

Joint Creditors of Three or more Partners may vote in the Choice of Assignees in certain cases.

to assent to or dissent from the Signature of the said Bankrupt's Certificate in respect of his, her or their joint Debt or Debts; but neither the petitioning nor any other joint Creditor shall be permitted to receive any other Dividend out of the separate Estate of the said Bankrupt or Bankrupts until all the separate Creditors of the said Bankrupt or Bankrupts shall have received Twenty Shillings in the Pound on their respective Debts.

Lord Chancellor may on Petition authorize Assignees to use the Names of Partners in Suits.

XI. And be it further enacted by the Authority aforesaid, That after an Assignee or Assignees has or have been chosen under any Commission which may be issued against One or more Member or Members of a Firm, it shall and may be lawful for the Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, by Order upon Petition presented to him or them, to permit and authorize the Assignee or Assignees of the Estate and Effects of any such Bankrupt or Bankrupts to commence or prosecute any Action or Actions, Suit or Suits, or other Proceedings at Law or Equity, in the Name or Names of such Assignee or Assignees, and of the remaining Partner or Partners, against any Debtor or Debtors of the said Partnership, and shall and may recover and obtain such Judgment, Decree or Order therein, in the same manner as if such Action, Suit or Proceeding was instituted with the Consent of such Partner or Partners whose names shall be so used in such Action or Proceeding; and that if such Partner or Partners whose Names shall by such Order be so used shall attempt, by any Means whatsoever, to release the Debt or Demand for which such Action, Suit or Proceeding is instituted, such Release shall be null and void to all Intents and Purposes whatsoever: Provided always, that the Partner or Partners whose Name or Names is or are used in pursuance of such Order, and by whom no Benefit is claimed by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect thereof; and provided also, that in all Cases it shall be lawful for such Partner or Partners whose Name or Names is or are so used, to apply by Petition to the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, praying that he, she or they may receive the Whole or such Part of the Proceeds of such Action, Suit or Proceeding to which he, she or they may be entitled, who shall thereupon make such Order as under all the Circumstances of the Case shall seem meet and just, and which shall be binding on all the Parties.

Partners whose Names shall be used in Suits, indemnified against Costs.

One Partner entitled may receive Allowance before others not entitled.

XII. And be it further enacted by the Authority aforesaid, That in all Commissions of Bankruptcy which shall hereafter issue against all or any of the Members of any Partnership, under which any One or more of the Persons against whom the Commission shall issue shall obtain his, her or their Certificate, and a sufficient Dividend be paid upon the joint Estate of the Firm, and the separate Estate of him, her or them who has or have obtained such Certificate, he, she or they shall be entitled to his, her or their Allowance, notwithstanding no Allowance may be due to any One or more of his, her or their Copartners.

Proviso for Ireland and Scotland.

XIII. And be it further enacted, That this Act shall not extend to those Parts of the United Kingdom called *Ireland* and *Scotland*.

Public Act.

XIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of

of as such by all Judges, Justices and others, without being specially pleaded.

CAP. LXXXII.

An Act for reducing the Duties of Excise dayable upon Salt in *England*, and repealing the Duties upon Salt (not being Foreign Salt), and reducing the Duties upon Foreign Salt payable in *Scotland*. [26th *July* 1822.]

'WHEREAS it is expedient to reduce and alter the several 'Duties of Excise payable in *Great Britain* on Salt and 'Rock Salt, for the Period hereinafter mentioned, and finally to 'determine certain of the said Duties:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *January* One thousand eight hundred and twenty three, Thirteen Shillings of the Fifteen Shillings chargeable and payable by Law for every Bushel of Salt or Rock Salt, that shall be made at any Salt Work, or raised or taken out of any Salt Mine or Salt Pit in *England*; and the whole of the Duties chargeable and payable by Law for and upon Salt or Rock Salt, made at any Salt Work, or raised or taken out of any Salt Mine or Salt Pit in *Scotland*; and Seven Shillings of the Nine Shillings chargeable and payable by Law for every Bushel of Salt or Rock Salt brought from *Scotland* into *England*; and One Shilling of the One Shilling and Six Pence chargeable and payable by Law for every Hundred Weight of salted Beef or Pork, or Bacon or other Flesh, brought from *Scotland* into *England*; and Two Shillings of the Two Shillings and Six Pence chargeable and payable by Law for every Bushel of coarse and impure Rock Salt, delivered from any Rock Salt Pit or Mine, or Warehouse or Storehouse, for the Purpose of feeding or mixing with the Food of Sheep and Cattle, or steeping Seed, or preserving Hay, or being employed as Manure for Land; and Thirteen Shillings of the Fifteen Shillings chargeable and payable by Law for every Bushel of Salt or Rock Salt imported from *Ireland* into *Great Britain*; and Seventeen Shillings and Nine Pence of the Twenty Shillings chargeable and payable by Law for every Bushel of Salt, which shall be imported from beyond the Seas into *Great Britain*, and the several Bounties payable by Law on Beef or Pork salted in *Great Britain*, and exported to Foreign Parts; and the whole of the Duty chargeable and payable by Law for and upon Muriate of Potash, delivered by any Maker or Makers of Glass, for the Purpose of being used in the Manufacture of Alum, shall respectively cease and determine, and be no longer paid or payable, except as to any Arrear thereof, or the Recovery of any Penalty or Forfeiture incurred in respect thereof, on or before the said Fifth Day of *January* One thousand eight hundred and twenty three.

Certain Duties on Salt reduced, and other Duties on Salt and Muriate of Potash and certain Bounties on Beef and Pork salted in G. B. and exported, repealed.

II. And be it further enacted, That from and after the Fifth Day of *January* One thousand eight hundred and twenty three, and until the Fifth Day of January One thousand eight hundred and twenty five, there shall be raised, levied, collected and paid in *England* unto His Majesty, His Heirs and Successors, the

Duties to be now payable.

several Rates and Duties of Excise hereinafter mentioned; (that is to say,)

For every Bushel of Salt or Rock Salt, that shall be made at any Salt Work, or raised or taken out of any Salt Mine, or Salt Pit in *England*, Two Shillings, being the Residue unrepealed of the aforesaid Duty of Fifteen Shillings payable on such Salt and Rock Salt.

For every Bushel of Salt or Rock Salt, which shall be brought or imported at any Time before the Fifth Day of *January* One thousand eight hundred and twenty five, from *Ireland* into *Great Britain*, or from *Scotland* into *England*, Two Shillings, being the Residue unrepealed of the aforesaid respective Duties of Fifteen Shillings and Nine Shillings, payable on Salt and Rock Salt so respectively brought or imported.

For every Hundred Weight of salted Flesh, brought or imported at any Time before the Fifth Day of *January* One thousand eight hundred and twenty five, from *Scotland* into *England*, Six Pence, being the Residue unrepealed of the aforesaid Duty of One Shilling and Six Pence, payable on such salted Flesh, to be paid when such salted Flesh is brought by Land into *England*, by the Person bringing the same, upon Entry thereof at the nearest Office of Excise in *England*; and if brought or imported by Sea, to be paid by the Importer before the Landing thereof.

For every Bushel of Foreign Salt, which shall be imported into *Great Britain*, at any Time before the Fifth Day of *January* One thousand eight hundred and twenty five, Two Shillings and Three Pence, to be paid by the Importer before the Landing thereof, being the Residue unrepealed of the aforesaid Duty of Twenty Shillings, payable on such Salt; and for every Bushel of Foreign Salt which shall be imported into *Great Britain* at any Time after the Fifth Day of *January* One thousand eight hundred and twenty five, Three Pence, to be paid by the Importer before the Landing thereof.

For every Bushel of Rock Salt, delivered for any Purpose of Agriculture, Six Pence, being the Residue unrepealed of the aforesaid Duty of Two Shillings and Six Pence payable on such Rock Salt.

Duties to be paid in proportion to Quantity.

III. And be it further enacted, That until the Fifth Day of *January* One thousand eight hundred and twenty five, in all cases where any Duty is by this Act required to be paid on any specific Quantity of Goods, Wares or Merchandize, the same shall be understood and deemed and taken to apply in the same Proportion, and after the same Rate, to any Quantity greater or less than such specific Quantity.

Salt Makers in Scotland to take out a Licence, paying for the same 20s.

IV. And be it further enacted, That all and every Maker and Makers of Salt in *Scotland*, shall, before he, she or they shall begin to make or refine Salt in *Scotland*, take out an Excise Licence, authorizing him, her or them to make or refine Salt in *Scotland*, and make Entry at the nearest Office of Excise, of the Premises used or intended to be used by him, her or them for making or refining Salt in *Scotland*, which Licence shall be granted in manner hereinafter mentioned; that is to say, if any such Licence to authorize the Person or Persons to whom the same shall be granted to make or refine Salt in *Scotland*, shall be granted within the Limits of the

City of *Edinburgh*, the same shall be granted under the Hands and Seals of Two or more of the Commissioners of Excise in *Scotland* for the time being; or if any such Licence to authorize the Person or Persons to whom the same shall be granted, to make or refine Salt in *Scotland*, shall be granted out of the Limits of the City of *Edinburgh*, then the same shall be granted under the respective Hands and Seals of the Collectors and Supervisors of Excise in *Scotland*, within their respective Collections and Districts; and the said Commissioners of Excise, or any Two or more of them respectively, and the Persons respectively to be appointed by the said Commissioners of Excise, or the major Part of them, and also all such Collectors and Supervisors are hereby respectively authorized and required to grant such Licences to the Persons who shall apply for the same, on the Person or Persons applying for the same first paying the Sum of Twenty Shillings for every such Licence which shall be granted previous to the Fifth Day of *January* One thousand eight hundred and twenty three, to authorize the Person or Persons to whom the same shall be granted to make or refine Salt in *Scotland*.

Commissioners &c. to grant such Licences.

V. And be it further enacted, That the Money directed by this Act to be paid for such Licence, shall be paid for such Licence to such Persons as are hereinafter in that Behalf respectively mentioned, that is, such thereof as shall be paid for any Licence which shall be taken out within the Limits of the City of *Edinburgh*, shall be paid at the chief Office of Excise in *Edinburgh*; and such thereof as shall be paid for any Licence which shall be taken out in any Part of *Scotland*, not within the said Limits, shall be paid to the Collector of Excise in whose respective Collection such Licence shall be granted.

Where the Money for Licences to be paid.

VI. And be it further enacted, That until the Fifth Day of *January* One thousand eight hundred and twenty five, no Person or Persons shall begin to make or refine Salt in *Scotland*, after the Expiration of such his, her or their Licence, unless such Person or Persons shall take out a fresh Licence for the like Purpose, in the manner hereinbefore directed, Ten Days at the least before the Expiration of such former Licence, and so in like manner renew every such Licence from Year to Year: and if any Person or Persons shall make or refine Salt in *Scotland*, without taking out a Licence authorizing him, her or them so to do, or renewing the same as hereinbefore in that behalf directed, or without making such Entry as aforesaid, the Person or Persons so offending shall for every such Offence forfeit and lose the Sum of Two hundred Pounds.

Licences to be renewed annually.

Making or refining Salt without Licence, Penalty, 200l.

VII. And be it further enacted, That every Licence to be granted under or by virtue of this Act, shall remain and continue in force for One Year next ensuing the granting thereof, and no longer: Provided always, that Persons in Partnership, and carrying on the Trade or Business of making or refining Salt in *Scotland* in One Work or Place only, shall not be obliged to take out more than One Licence in any One Year for so doing: and no One Licence which shall be granted by virtue of this Act, shall authorize or empower any Person or Persons to make or refine Salt in *Scotland* in any Work or Place except the Work and Place whereof Entry shall have been made by such Person or Persons for that Purpose, at the Office of Excise, in his, her or their own Name or Names, at

Licence to be for one Year.

One Licence sufficient for Partners.

Licence only to extend to One House or Place.

the Time of granting such Licence, and in respect whereof such Licence shall be granted.

Duties under Commissioners of Excise.

VIII. And be it further enacted, That such of the Duties by this Act continued and imposed, as shall arise in that Part of *Great Britain* called *England*, shall be under the Management of the Commissioners of Excise in *England* for the time being; and such thereof as shall arise in that Part of *Great Britain* called *Scotland*, shall be under the Management of the Commissioners of Excise in *Scotland* for the time being.

Levied as under former Acts.

IX. And be it further enacted, That the several Duties hereby continued and imposed shall be respectively paid, raised, levied, collected, recovered and applied, in such and the like manner, and in or by any or either of the general or special Means, Ways or Methods by which the former Duties of Excise respectively hereby repealed, or on Salt, Rock Salt, and salted Flesh respectively, have theretofore or ought by Law to have been paid, raised, levied, collected, recovered and applied, except so far as the same are hereby expressly altered; and the said Persons, Goods, Wares, Merchandize or Commodities, so by this Act respectively made liable to the Payment of, or chargeable with the said Duties hereby respectively continued and imposed, shall be and the same are hereby made subject and liable to all and every the Conditions, Regulations, Rules, Restrictions, and Forfeitures, except as aforesaid, to which such Persons, Goods, Wares, Merchandize or Commodities, were generally or specially subject and liable, by any Act or Acts of Parliament in force at or immediately before the passing of this Act, respecting the Duties of Excise on Salt, Rock Salt and salted Flesh respectively, or other Duties under the Management of the Commissioners of Excise, were or might be subject and liable; and all and every Pain, Penalty, Fine or Forfeiture of any Nature or Kind whatever, except as aforesaid, for any Offence whatever committed against or in Breach of any Act or Acts of Parliament in force at or immediately before the passing of this Act, and for securing the Revenue of Excise on Salt, and other Duties under the Management of the said Commissioners of Excise, or for the Regulation or Improvement thereof, and the several Clauses, Powers and Directions therein contained, shall and are hereby directed and declared, except as aforesaid, to extend to, and shall be respectively applied, practised and put in Execution for and in respect of the said several Duties of Excise respectively hereby continued and imposed, in as full and ample manner to all Intents and Purposes whatsoever, as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Fines, Pains, Penalties or Forfeitures, were particularly repeated and re-enacted in the Body of this Act.

Regulations for securing the Revenue of Excise extended to this Act.

Laws of Excise for levying Duties on Salt in Scotland repealed.

X. And be it further enacted, That from and after the said Fifth Day of *January* One thousand eight hundred and twenty three, all the Laws and Regulations of Excise for levying, collecting and securing the Payment of the Duties of Excise payable in *Scotland* on Salt and Rock Salt respectively, hereby repealed, and repugnant to the Provisions of this Act, shall be, and the same are, from and after the Day and Year aforesaid, hereby repealed, save and except as to the Recovery of any Arrear of such Duties, or of any Penalty or Forfeiture thereby imposed and before that Time incurred: Provided always, that all Laws of Excise relating to Foreign Salt

Salt imported into *Scotland*, and to Salt or Rock Salt imported from *Ireland* into *Scotland*, or Salt or Rock Salt brought from *England* into *Scotland* Duty free, or had or received by any Fish-curer, Glassmaker, Makers of Oxygenated Muriatic Acid or Oxymuriate of Lime in *Scotland*, and all Regulations, Provisions and Restrictions touching or relating thereto, in force at or immediately before the passing of this Act, and all Bonds given to secure the due Application and Employment of such Salt and Rock Salt, or to account for the same respectively, shall remain and continue in full force, to all Intents and Purposes, as if this Act had never been passed; any thing herein contained to the contrary thereof notwithstanding: And provided, that nothing herein contained shall extend, or be deemed or taken or construed to extend, to repeal or alter any Laws relating to Barilla imported into *Great Britain*, or to Mineral Alkali called Soda made in *Great Britain*, or made in *Ireland* and imported from thence into *Great Britain*, or to any Salt or Rock Salt, or to any Makers or Refiners of Salt or Rock Salt, except so far as shall be expressly enacted by this Act; or to prevent, until the Fifth Day of *January* One thousand eight hundred and twenty five, Salt and Rock Salt respectively from being delivered, removed and exported to *Ireland* and elsewhere, and for the several and respective Purposes allowed by Law, Duty free, or without Payment of the respective Duty hereby continued and imposed, under the several and respective Regulations, Provisions and Restrictions in force at or immediately before the passing of this Act.

Laws respecting Foreign Salt, and Salt brought from Ireland and England into Scotland Duty free, to remain in force.

Proviso for Laws relating to Barilla, Mineral Alkali, &c.

XI. And be it further enacted, That it shall and may be lawful for any Dealer or Dealers in Salt, on or after the Tenth Day of *October* One thousand eight hundred and twenty two, and before the Fifth Day of *January* One thousand eight hundred and twenty three, to provide at any Town or in any Place in *England* or *Scotland* appointed or approved of by the Commissioners of Excise in *England* or *Scotland* respectively, such Warehouse or Warehouses as shall for that Purpose be approved of by such Commissioners, or by the Person or Persons appointed by them to examine or inspect the same, for the Deposit and Warehousing of Salt for Home Consumption; and that it shall and may be lawful for any Maker or Makers or Refiners of Salt in *Great Britain* to deliver from the Warehouse at his or her Salt Work, any such Quantity of Salt as the Commissioners of Excise shall grant and allow for that Purpose, to be removed to and lodged in any such Storehouse as aforesaid, upon the Sum of Two Shillings only of the Duty chargeable and payable by Law being first paid or secured to be paid for every Bushel thereof; and on Bond being given by the Owner or Proprietor of such Salt or such Warehouse, with sufficient Sureties to be approved of by such Commissioners, or the Person appointed by them in that Behalf, for the due Removal of all such Salt, and for the Delivery and Deposit thereof in such Warehouse as aforesaid, and Payment of the Duty as hereinafter mentioned; and that every such Warehouse, being for that Purpose first duly entered by the Proprietor thereof for such Purpose as aforesaid at the next Office of Excise, and the Salt being so therein afterwards lodged and deposited as aforesaid, shall be kept and secured under the Lock or Locks of the Revenue of Excise, to be provided, with all

Warehouses may be provided for depositing of Salt.

Salt may be removed thereto on 2s. per Bushel of Duty paid or secured.

Bond for due Removal and Deposit in Warehouse.

other necessary Fastenings, by the respective Supervisor of Excise at the Expence of such Proprietor, and also under the Lock or Locks of the Proprietor of such Warehouse; and that every Officer of Excise having Possession of the Key or Keys of the Revenue Lock or Locks on any such Warehouse, shall, on reasonable Notice to him given for that Purpose by the Proprietor of such Warehouse, making Entry thereof as aforesaid, attend and weigh into such Warehouse all such Salt; and on Notice, in like manner, shall from time to time, before the said Fifth Day of *January* One thousand eight hundred and twenty three, weigh out and deliver from such Warehouse all such Salt as shall be required and specified in any such Notice, for that Purpose given by such Proprietor to such Officer as aforesaid, upon Payment, or due Security for Payment, by such Proprietor to the proper Collector of Excise, of the Residue of the Duty chargeable and payable by Law for every Bushel of Salt so delivered and weighed out of such Warehouse, and shall grant a Certificate for the Removal thereof, as Salt Duty paid; and that on the said Fifth Day of *January* One thousand eight hundred and twenty three, the proper Supervisor or Officers of Excise shall weigh the Salt remaining in every such Warehouse, and deliver the same to the Proprietor thereof, together with Locks, Keys and other Fastenings of such Warehouse, upon such Proprietor paying or giving due Security for paying to the proper Collector the full Duties of Excise chargeable and payable by Law, before the said Fifth Day of *January* One thousand eight hundred and twenty three, for every Bushel of Salt, and so in proportion for any less Quantity than a Bushel, that shall be deficient, after deducting from the Quantity lodged and deposited in such Warehouse the Quantity delivered out on Payment of Duty as aforesaid, and the Quantity so then remaining in Stock, and so weighed and taken Account of as aforesaid.

Officer to attend the Receipt and Delivery of such Salt, on receiving Notice.

And grant Certificate for Removal, and weigh and deliver Salt to Proprietor on Security for Payment of Duties.

Obstructing Officers, Penalty 200l.

XII. And be it further enacted, That if any Person or Persons whatsoever shall molest, disturb, hinder, oppose or impede any Officer or Officers of Excise in the due Execution of the Powers and Authorities by this Act granted, or either of them, every Person so offending shall forfeit and lose the Sum of Two hundred Pounds.

Recovery and Application of Penalties.

XIII. And be it further enacted, That all Fines, Penalties and Forfeitures imposed by this Act, shall be sued for, levied, recovered or mitigated, as by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint or Information in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland* respectively; and that One Moiety of every such Fine, Penalty or Forfeiture shall be to His Majesty, His Heirs and Successors, and the other Moiety to him, her or them who shall inform, discover or sue for the same.

Commencement of Act.

XIV. And be it further enacted, That this Act shall commence and take effect, as to all the Matters and Things therein contained, in respect whereof no special Commencement is hereby directed or provided, from and after the Fifth Day of *January* One thousand eight hundred and twenty three.

Act may be altered, &c. this Session.

XV. And be it further enacted, That this Act may be altered, varied or repealed, by any Act or Acts to be passed in this Session of Parliament.

CAP.

CAP. LXXXIII.

An Act to repeal the additional Duties and Drawbacks on Leather, granted and allowed by Two Acts of His late Majesty, and to grant other Drawbacks in lieu thereof, and to secure the Duties on Leather. [26th *July* 1822.]

'WHEREAS by an Act passed in the Fifty second Year of the Reign of His late Majesty King *George* the Third, for granting to His Majesty additional Duties of Excise in *Great Britain*, on Glass, Hides and Tobacco and Snuff, additional Duties of Excise were granted and imposed on Hides and Skins, and Parts and Pieces of Hides and Skins, and on Vellum and Parchment, and on Leather manufactured into Goods and Wares: And Whereas it is expedient to repeal the said several Duties so granted and imposed;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and twenty two, the several additional Duties of Excise on Hides and Skins, and Parts and Pieces of Hides and Skins, and on Vellum and Parchment, and on Leather manufactured into Goods and Wares, granted and imposed by the said Act passed in the Fifty second Year aforesaid, shall be and the same are hereby respectively repealed, and shall then cease and determine, and be no longer paid or payable, save and except any Arrear thereof. 52 G. 3. c. 94. Additional Duties on Hides and Skins and on Leather, repealed.

'II. And Whereas by reason of the Repeal of the aforesaid several additional Duties, it is expedient that the several Drawbacks granted and allowed by an Act passed in the Fifty sixth Year of the Reign of His said late Majesty, intituled *An Act for the further Regulation of the Trades of Tanners and Curriers*, upon the Exportation of Hides and Skins tanned, tawed or dressed in *Great Britain*, and of Leather made or manufactured into Goods or Wares in *Great Britain*, from *Great Britain* to Foreign Parts, as Merchandize, and that the said Act should be repealed, and other Drawbacks granted in lieu of the Drawbacks so repealed;' Be it therefore further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, the said several drawbacks granted and allowed by the said last mentioned Act of the Fifty sixth Year aforesaid, and also the said Act, shall be and the same respectively are hereby repealed, and such Drawbacks respectively shall then cease and determine, and be no longer paid or payable; save and except any Arrear thereof, and save and except any Penalty or Forfeiture imposed by the Act last above mentioned, and which shall, on or before the said Fifth Day of *July* One thousand eight hundred and twenty two, be incurred. 56 G. 3. c. 110. repealed.

III. And be it further enacted, That in lieu and instead of the several Drawbacks hereby repealed, there shall, from and after the said Fifth Day of *July* One thousand eight hundred and twenty two, be allowed and granted the following Drawbacks; that is to say, Instead of Drawbacks repealed, the following to be paid.

For every Pound Weight Avoirdupois of all Hides and Skins, and Parts	Drawbacks.

Parts and Pieces of Hides and Skins, tanned or tawed in *Great Britain*, and duly marked, for which the Duty imposed and payable thereon respectively shall have been paid, and which shall be duly exported from *Great Britain* to Foreign Parts as Merchandize, Two thirds of the respective Duty paid:

For every Pound Weight Avoirdupois of all Hides and Skins, and Skins Parts and Pieces of Hides and tanned and curried in *Great Britain*, and duly marked, for which the Duty imposed and payable thereon respectively shall have been paid, and which shall be duly exported from *Great Britain* to Foreign Parts as Merchandize, Two Pence:

For every Pound Weight Avoirdupois of all Leather tanned or tawed in *Great Britain*, for which the Duty imposed and payable thereon respectively shall have been paid, and which shall be manufactured and actually made into Boots, Shoes, Saddles or Gloves in, and duly exported from *Great Britain* to Foreign Parts as Merchandize, Three Pence:

For every Pound Weight Avoirdupois of all Leather tanned or tawed in *Great Britain*, for which the Duty imposed and payable thereon respectively shall have been paid, and which shall be manufactured and actually made into Goods and Wares, other than Boots, Shoes, Saddles or Gloves in, and duly exported from *Great Britain* to Foreign Parts as Merchandize, Two Pence:

For all Goat Skins tanned with Sumack, or otherwise, to resemble *Spanish* Leather, in *Great Britain*, duly marked, and all Sheep Skins tanned for Roans (being after the Nature of *Spanish* Leather), in *Great Britain*, duly marked, for which the Duty imposed and payable thereon respectively shall have been paid, and which shall be duly exported from *Great Britain* to Foreign Parts as Merchandize, the whole of the respective Duty paid:

For every Pound Weight Avoirdupois of Boots or Shoes made in *Great Britain*, the Upper Leathers, Vamps and Boot Legs of which are made of Morocco, *Spanish* Leather, or Kid Skins, and for which the Duty imposed and payable thereon respectively shall have been paid, and which shall be duly exported from *Great Britain* to Foreign Parts as Merchandize, Four Pence:

For every Pound Weight Avoirdupois of all Buck, Deer or Elk Skins, dressed in Oil in *Great Britain*, for which the Duty imposed and payable thereon shall have been paid, whether manufactured and actually made into Goods or Wares or not (but if not, then to be duly marked), and which shall be duly exported from *Great Britain* to Foreign Parts as Merchandize, One Shilling:

For all other Hides and Skins, and Parts and Pieces of other Hides and Skins, dressed in Oil in *Great Britain*, and duly marked, for which the Duty imposed and payable thereon respectively shall have been paid, and which shall be exported from *Great Britain* to Foreign Parts as Merchandize, the whole of the respective Duty paid, according to the Weight or Number thereof respectively exported:

For every Pound Weight Avoirdupois of all other Hides and Skins dressed in Oil in *Great Britain*, for which the Duty imposed and payable thereon respectively shall have been duly paid, and which shall be manufactured and actually made into Goods and Wares, (except Sheep and Lamb Skins dressed in Oil, and made

into Goods and Wares, otherthan Gloves) in, and duly exported from *Great Britain* to Foreign Parts as Merchandize, Six Pence: For every Pound Weight Avoirdupois of all Sheep and Lamb Skins dressed in Oil in *Great Britain*, for which the Duties imposed in respect thereof shall have been duly paid, and which shall be manufactured and actually made into Goods and Wares other than Gloves in, and duly exported from *Great Britain* to Foreign Parts as Merchandize, Four Pence.

Drawbacks to be paid and allowed in manner herein mentioned.

IV. And be it further enacted, That the said several Drawbacks by this Act allowed and granted shall and may be respectively paid and allowed in such and the like manner, and in or by any or either of the general or special Means, Ways or Methods, by which the former Drawbacks hereby repealed, or the Drawbacks of Duties of Excise respectively, upon Goods, Wares, Merchandize or Commodities of the same Sorts or Kinds respectively, were or might be paid or allowed, except so far as the same are altered by this Act; and the Goods, Wares, Merchandize or Commodities so by this Act respectively entitled to Drawbacks of Duties of Excise, shall be and the same are hereby made subject to all and every the Conditions, Regulations, Rules, Restrictions and Forfeitures to which Goods, Wares, Merchandize or Commodities in general, and also to all and every the Special Conditions, Rules, Regulations, Restrictions and Forfeitures respectively to which the like Goods, Wares, Merchandize, or Commodities respectively were subject and liable, except as aforesaid, by any Act or Acts of Parliament in force immediately before the passing of this Act, relating to the Duties of Excise; and all and every Pain, Penalty, Fine or Forfeiture, of any Nature or Kind whatever, for any Offence whatever committed against or in breach of any Act or Acts of Parliament in force immediately before the passing of this Act, made for securing the Revenue of Excise, or for the Regulation and Improvement thereof, and the several Clauses, Powers and Directions therein contained, shall be and are hereby directed and declared to extend to, and shall be respectively applied, practised and put in Execution for and in respect of the several Drawbacks of Duties of Excise hereby allowed and granted, in as full and ample a manner, to all Intents and Purposes whatever, except as aforesaid, as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Fines, Pains, Penalties or Forfeitures, were particularly repeated and re-enacted in the Body of this Act.

Regulations for securing the Revenue of Excise to extend to this Act.

Tanners, &c. removing or concealing Hides, &c. Penalty, 200*l.*

V. And be it further enacted, That if any Tanner, Tawer or Dresser of Hides and Skins in Oil, or Maker of Vellum or Parchment, shall remove or conceal any Hide or Skin, or Part or Piece of any Hide or Skin, or any Vellum or Parchment, with intent to evade the Duty or Duties of Excise thereupon chargeable or payable, he, she and they shall for every such Offence severally forfeit and lose the Sum of Two hundred Pounds, to be sued for, mitigated, recovered, applied and accounted for as any other Penalty under or by any Law or Laws of Excise.

Notice to Excise Officer, before whom the Hides, &c.

VI. And be it further enacted, That before any Hides or Skins, or Pieces of Hides or Skins, or any Vellum or Parchment, shall be weighed or counted by any Officer of Excise, and charged with Duty,

shall be produced to be weighed, and stamped, &c.

Duty, or stamped or marked to denote such Charge, the Tanner, Tawer or Dresser of Hides and Skins in Oil, or Maker of Vellum or Parchment, desirous of having the same so charged and stamped or marked, shall give Notice in Writing to the proper Officer of Excise, specifying the Day and Hour on which, and the Number of Hides and Skins, Parts or Pieces of Hides or Skins, and Skins or Pieces of Vellum or Parchment, which he or she shall desire to be weighed or counted, and charged with, and stamped or marked to denote the Charge of Duty, and shall deliver every such Notice to the proper Officer Twenty four Hours at the least, if the entered Premises of such Trader where such Goods are to be charged with Duty are situate within a Market Town, and Forty eight Hours at the least if such Premises are situate without a Market Town, before the Hour for weighing or counting any such Goods as aforesaid mentioned in such Notice, and shall before such Weighing or Counting thereof as aforesaid shall be begun, place and produce all the Hides and Skins, Parts and Pieces of Hides and Skins, Vellum and Parchment, specified in such Notice to be weighed or counted, and charged with Duty, and stamped or marked as aforesaid, in an entered Room by themselves, and in which no other Hides or Skins, or Parts or Pieces of Hides or Skins, Vellum or Parchment, shall then be, and shall from that Time continue all such Hides or Skins, Parts or Pieces of Hides or Skins, Vellum or Parchment, alone in such Room for the Space of Twenty four Hours next after the same shall have been charged with Duty, or stamped or marked as aforesaid by the Officer of Excise, unless the same shall have been weighed or counted, or be sooner reweighed or recounted by a Surveyor or Supervisor, and shall not, during the time aforesaid, conceal or remove any such Hide or Skin, or any such Part or Piece of any Hide or Skin, or any such Vellum or Parchment so weighed or counted, and charged with Duty, or stamped or marked, out of such Room, or bring into, or cause or suffer to be brought into such Room, any other Hide or Skin, or Part or Piece of any other Hide or Skin, or any other Vellum or Parchment, upon Pain of forfeiting for every such Offence, and for every Refusal or Neglect to observe any of the several Provisions herein contained, the Sum of Two hundred Pounds, to be sued for, mitigated, recovered, applied and accounted for as any other Penalty under or by any Law or Laws of Excise.

Such Hides to be kept separate from others for 24 Hours after charged with Duty.

Penalty, 200l.

Curriers, &c. not being Tanners, using Sumack in currying, &c. exception. Penalty, 100l. &c.

VII. And be it further enacted, That it shall not be lawful for any Currier or Curriers, or other Person or Persons not being an entered Tanner, to use Sumack in or about the currying of any Hide or Skin, or in the Preparation or Dressing of any Leather, except only for the Purpose of colouring Leather for making Boot Tops or Saddles, upon Pain of forfeiting for each and every such Offence the Sum of One hundred Pounds, to be sued for, mitigated, recovered, applied and accounted for as any other Penalty under or by any Law or Laws of Excise, together with the Forfeiture of all such Sumack, Hides, Skins and Leather respectively, which shall and may be seized by any Officer or Officers of Excise.

Act may be altered, &c. this Session.

VIII. And be it further enacted, That this Act may be altered, amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

CAP.

CAP. LXXXIV.

An Act to authorize certain temporary Advances of Money, for the Relief of the Distresses existing in *Ireland*.

[26th *July* 1822.]

'WHEREAS by reason of the Distress that exists in many Parts of *Ireland*, it is in many Counties thereof impossible, without great Severity and great Mischief to the Country, to levy and raise the Sums heretofore presented by the Grand Juries of such Counties respectively, and which ought by Law to be levied and raised on or within the said Counties respectively: And Whereas the Roads and Works and other Objects and Purposes for which many of the said Sums have been presented cannot be delayed without great Injury to the Persons interested therein, and the Commencement of such Works, by employing the Poor, must tend to alleviate the existing Distress: And Whereas in some Parts of *Ireland* the Grand Juries, from a Sense of the Distresses of the Country, have declined to make Presentments for the Repair of useful Roads, and other existing Public Works which stand in need of Repair; and such Repairs, if executed at this time, must afford considerable Relief to the Distresses of the Poor in those Places respectively: And Whereas, moved by the Considerations aforesaid, His Excellency the Lord Lieutenant of *Ireland* hath issued Orders to several Treasurers of Counties, Counties of Cities or Counties of Towns, in *Ireland*, to withhold their Warrants for the levying of the said Sums so presented, to be raised on or within their respective Counties, Counties of Cities or Counties of Towns, or some Parts or Proportions of such Sums respectively, or to recal such Warrants if previously issued; and the said Lord Lieutenant of *Ireland* hath, in some Instances, ordered the Issue and Advance of divers Sums of Money from His Majesty's Exchequer in *Ireland*, or from some of the Public Funds or Monies therein, to the Treasurers of divers Counties, to be applied to the Purposes expressed in such Presentments, or some of them, or to the Repair of Roads or other Public Works in such Counties respectively, and to be hereafter repaid; and it is fit to provide for the said several cases in manner hereinafter contained:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Order so issued or to be issued by the said Lord Lieutenant, whether for the withholding or recal of any such Warrant or Warrants, or for the partial Execution thereof, or for the Issue or Advance of any such Sum from His Majesty's Exchequer, or otherwise as aforesaid, and the Advance of any such Sum accordingly, shall be and be deemed and taken to be and to have been good, valid and effectual in Law, according to the Import thereof respectively; and that all and every, Person and Persons who have heretofore in any wise acted or omitted to act, or shall hereafter act or omit to act, as directed by any such Order, shall be and is and are hereby indemnified for the same,

Orders heretofore issued by Lord Lieutenant for advance, Sums, &c. presented, valid.

same, and shall be deemed and taken to have acted legally and properly therein.

Lord Lieutenant may order further Advances for Public Works, whether presented for or not.

II. And be it further enacted, That it shall be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, to order such farther Advances as he or they shall think necessary, to be made in like manner to any Treasurer of any County, or County of a City, or County of a Town, for the Repair of Roads, or for other Public Works in any County, whether any Presentment shall have been made for such Purposes or not; and that such Advances may be made accordingly at any time or times before the Assizes for such Counties, Counties of Cities or Counties of Towns respectively, which shall be next after the passing of this Act.

Sums so advanced applied by Treasurers according to Orders of Lord Lieutenant, or to Purposes expressed in Presentments for which they are advanced.

III. And be it further enacted, That each and every Sum and Sums of Money so issued or advanced, or to be advanced, by, from or out of His Majesty's Exchequer in *Ireland*, or by, from or out of any Public Fund or Money whatsoever, to any such Treasurer as aforesaid, shall be paid and applied by such Treasurer according to the Orders and Directions received by him from the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, concerning the same; and in default of such Orders, shall be paid and applied to or towards the Purposes and Objects expressed in the Presentments, for or towards the Execution whereof such Sums shall have been so issued or advanced; and if the said Sums, or any of them, or any Part or Parts thereof respectively, have or hath already been so applied, such Application thereof respectively shall be deemed and taken to have been lawful; and every such Treasurer shall be answerable and accountable for every Sum so received by him, in like manner as for all other Sums received by him as such Treasurer, and shall in such accounting be allowed Credit for all and every Sum and Sums which he shall apply, or shall have applied thereout, in manner or to the Purposes in that Behalf aforesaid.

On Certificate of Chief Secretary to Grand Jury of Amount of Sums advanced, Grand Jury to present same, to be raised by Half yearly Instalments, not less than 4, nor more than 12.

IV. And be it further enacted, That it shall and may be lawful to and for the Chief Secretary to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, or in his Absence the Under Secretary, to certify to the Grand Jury of each and every or any County, County of a City or County of a Town in *Ireland* respectively, the Amount of each and every Sum and Sums of Money which shall have been so issued and advanced as aforesaid, to the Treasurer of such County, City or Town, and of the Presentment or Presentments (if any) for which such Advance or Advances shall have been made respectively; and each and every such Certificate shall at the next or some succeeding Assizes be laid before the Grand Jury of such County, City or Town, and thereupon it shall and may be lawful to and for such Grand Jury, and they are hereby required to present the Amount of every such Advance, to be raised as follows; that is to say, so much of every or any such Sum so advanced as was applicable to the Purposes of any Presentment directed to be raised off the County, City or Town, or to the Repair of any Public Work, the Repairs whereof ought by Law to be defrayed by the County, City or Town, shall be presented to be raised off the County, City or Town; and so much of any Sum so advanced as was applicable to the

the Purposes of any Presentment directed to be raised off any Barony or Half Barony, or any District less than an entire County, or to the Repair of any Public Work, the Repair of which ought to be borne by any Barony, Half Barony or District, shall be presented to be raised off such Barony, Half Barony or District; and every such Sum, whether to be raised off a County, County of a City, County of a Town, Barony, Half Barony or District, shall be directed in and by the Presentment for raising the same to be raised and levied by such Number of equal Half yearly Instalments, not being less than Four nor more than Twelve, as such Grand Jury shall think reasonable, according to the State of the Country.

Amount of Presentments on which no Advance has been made, or Residue of Amount on which Advances made in Part only, presented by Grand Jury at future Assizes, to be raised by Instalments, as herein mentioned.

V. And be it further enacted, That in cases where any Presentment shall have been made, the raising and levying of which shall have been prevented as aforesaid, in consequence of any Order of the Lord Lieutenant, and for which no Advance shall have been made as aforesaid, and also in cases where any such Advance shall have been made in part only of any such Presentment, it shall and may be lawful to and for the Grand Jury, at the Assizes next after the passing of this Act, or at the Assizes next succeeding, to present the Amount of any former Presentment on which no such Advance shall have been made, and also the Amount of the Residue of any Presentment on which any such Advance shall have been made in part only, to be raised respectively for the Purposes for which such Presentments were originally made, but to be raised and levied in like manner and by the like Instalments as hereinbefore mentioned, if such Grand Jury shall think proper so to do; and every such Presentment which shall be hereafter made as aforesaid, shall be raised and levied accordingly, and the Treasurer shall, without further Authority, include the several Instalments thereof in his Warrants, as the Periods for the Payment of such Instalments respectively shall accrue: Provided always, that if in any Certificate of the Chief Secretary or Under Secretary, of the Amount of any Advances heretofore made, or hereafter to be made under the Provisions of this Act, there shall be contained or set forth any Direction from the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, as to the Number, Amount or Periods of the Instalments, by which the Amount of such Advances shall be required to be raised and repaid, such Instalments shall be so presented accordingly, and the Grand Jury shall not be at liberty in such case to depart therefrom.

Advances may be ordered by Lord Lieutenant on any such Presentments.

VI. And be it further enacted, That as soon as any such Presentment shall be made, for any sum not previously advanced as aforesaid, it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, on Receipt of a Copy of such Presentment, certified by the Clerk of the Crown, to order, if he or they shall think proper so to do, that the Sum so presented, or any Part or Parts thereof, shall be advanced and paid from and out of the Consolidated Fund to the Treasurer of the County, City or Town, to be by him applied to the Purposes of such Presentment, and accounted for as if the same had been presented and raised in the ordinary Form; and that when and as each of the several Instalments so presented as aforesaid shall be raised and received by the Treasurer of the County,

Repayment without Interest.

County, City or Town for the time being, such Treasurer shall pay over the same respectively to the Collector of Excise, until the Sums so heretofore advanced, or hereafter to be advanced respectively, shall be repaid, but without Interest.

CAP. LXXXV.

An Act to allow peremptory Challenge of Jurors in Criminal Trials in *Scotland*. [26th *July* 1822.]

'WHEREAS it is expedient that a peremptory Challenge of 'Jurors chosen to serve on Criminal Trials in *Scotland* 'should be allowed, and that Provision should be made for sum- 'moning in certain cases an additional Number of Jurors on such 'Trials:' May it therefore please Your Majesty that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in all Criminal Trials by Jury in *Scotland*, it shall be lawful for the Prosecutor, and for each Pannel respectively, when the whole Jury of Fifteen shall have been chosen, and before they shall have been sworn, to challenge Five of the Jurors, without being obliged to assign any Reason therefor; and this Challenge shall of itself disqualify the Person challenged from serving as a Juror on the Trial in respect of which he was so chosen and challenged: Provided always, that after each Challenge made by any of the said Parties respectively, it shall be incumbent upon the Judge to choose another Juror, so as again to complete the Number of Fifteen, before the Party challenging shall be obliged to make any second or subsequent challenge; and the Juror or Jurors to be chosen to supply the Place or Places of the Juror or Jurors challenged shall be equally liable to be challenged as the Jurors originally chosen.

In Criminal Trials the Prosecutor and Pannel may challenge Five of the Jurors without assigning any Reason.

II. And be it further enacted, That it shall and may be lawful for the Lord Justice Clerk and the Lords Commissioners of Justiciary, and they are hereby authorized and empowered, by Act of Adjournal, to direct to be summoned as Jurors, to serve on any Criminal Trial or Trials before the High Court or any Circuit Court of Justiciary in *Scotland*, any such Number of Persons exceeding Forty five as may be deemed necessary towards the proceeding with any such Trial or Trials; any Law or Practice to the contrary notwithstanding.

Empowering summoning for Jurors, Number exceeding 45 as may be deemed necessary.

III. And be it further enacted, That nothing in this Act contained shall be held to apply to any Trial for the Crime of High Treason or Misprision of Treason.

Not to extend to Trials for Treason.

CAP.

CAP. LXXXVI.

An Act to amend Two Acts of the Fifty seventh Year of His late Majesty, and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts. [26th *July* 1822.]

57 G.3. c.34. § 1.

'WHEREAS by an Act passed in the Fifty seventh Year of the Reign of His Majesty King *George* the Third, intituled '*An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned*,' (and which Act was amended by another Act passed in the same Session of Parliament), it was enacted, that it should be lawful for the King's most Excellent Majesty to authorize and empower the Commissioners of His Majesty's Treasury to cause or direct any Number of Exchequer Bills to be made out at His Majesty's Exchequer in *Great Britain*, not exceeding in the Whole the Sum of One million five hundred thousand Pounds, to be issued to certain Commissioners in the said first recited Act named, for the Execution of the said Act in *Great Britain*, and to be by the said Commissioners lent and advanced for the Purposes in the said several Acts respectively mentioned, upon the Terms and Conditions in the said Acts specified and set forth: And Whereas the said Two Acts were amended, and the Powers of the said Commissioners extended by another Act made and passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend and continue Two Acts passed in the Fifty seventh Year of His late Majesty King* George *the Third, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on of Public Works and Fisheries, and Employment of the Poor, and to extend the Powers of the Commissioners for executing the said Acts in* Great Britain; and by another Act made and passed in the First and Second Years of His said present Majesty, intituled *An Act to empower the Commissioners in* Great Britain *for the Execution of several Acts for authorizing the Issue of Exchequer Bills for carrying on of Public Works and Fisheries, and Employment of the Poor, to extend the Time for the Payment of certain Advances under the said Acts*: And Whereas sundry Advances have been made by the said Commissioners to divers Persons or Parties, Bodies Politic or Corporate or Companies, for the Purposes and under the Regulations in the said Acts contained; and Applications have been made to the said Commissioners for other Advances, which Applications remain depending, and exceed the unappropriated Part of the said Sum of One million five hundred thousand Pounds remaining to be issued as aforesaid: And Whereas great Advantage may arise under present Circumstances, in affording Employment for the labouring

57 G.3. c.124.

1 G.4. c.60.

1&2 G.4. c.111.

'labouring Classes of the Community, by a further Advance of 'Exchequer Bills, to an Amount in the Whole not exceeding the 'Sum of Two Millions, to be lent by the Commissioners named 'in and appointed by this Act, under and subject to the like Terms 'and Conditions as are specified and prescribed by the said recited 'Acts, or any of them, with respect to the Advance of Exchequer 'Bills authorized by the said recited Acts, or any of them, except 'so far as such Terms and Conditions may be altered or extended 'by this Act, and upon due Security being given in all such cases 'for the Repayment of the Sum so advanced, within a Time to be 'limited:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the King's most Excellent Majesty, by Warrant or Warrants under His Royal Sign Manual, to authorize and empower the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, now or for the time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the time being, to cause or direct any Number of Exchequer Bills to be made out at His Majesty's Exchequer in *Great Britain*, not exceeding in the Whole the Sum of Two Millions, in the same or like Manner, Form and Order, and according to the same or like Rules and Directions (except where other Directions for making out the same are contained and particularly expressed in this Act), as in and by an Act made in the Forty eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, are enacted and prescribed.

His Majesty may authorise Commissioners of Treasury to issue Exchequer Bills not exceeding 2,000,000l.

48 G.3. c.1.

II. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures and Disabilities contained in the said recited Act of the Forty eighth Year of His said late Majesty's Reign, shall be applied and extended to the Exchequer Bills to be made in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the saids everal Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Powers of 48 G.3. c.1. extended to this Act.

III. And be it further enacted, That the said Exchequer Bills to be made in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Two Pence *per Centum per Diem* upon or in respect of the Whole of the Money contained therein, and shall be made payable at the Period hereinafter mentioned.

Bills to bear an Interest of 2d. per Cent. per Diem.

IV. Provided always, and be it further enacted, That all and every the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from time to time remain undischarged and uncancelled after the respective Days on which they shall become due and payable, shall and may after that Time pass and be current to all and every the Receivers and Collectors in *Great Britain*, of the Customs, Excise, or any Revenue, Supply, Aid or Tax whatsoever, due or payable to His Majesty, His Heirs or Successors, and also at the Receipt of Exchequer in *Great Britain*, from the said Receivers or Collectors; but no such Receiver or Collector shall exchange at any Time before the said

Bills not to be received in Payment of Taxes before Day appointed for their Payment.

Day of Payment thereof, for any Money of such Revenues, Aid, Taxes or Supplies in his Hands, any Exchequer Bill which shall have been issued as aforesaid by virtue of this Act; nor shall any Action be maintained against any such Receiver or Collector for neglecting or refusing to exchange any such Exchequer Bill for ready Money before the said Day of Payment thereof; any thing in this Act to the contrary contained in any wise notwithstanding; and that such of the same Bills as shall be received at the said Receipt of Exchequer shall and may be locked up and secured as Cash, according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

Exchequer Bills payable One Year from Date, with Interest.

V. And be it further enacted, That from and after the passing of this Act, all Exchequer Bills which, at any time after the passing of this Act, shall be made out and issued in pursuance of either of the said first recited Acts or this Act, and which at any time after the passing of this Act shall be advanced for any of the Purposes mentioned in the said recited Acts, or any of them, or in this Act, shall be made payable within One Year from the Date thereof respectively; and that the Principal Sum mentioned in every such Bill, together with Interest thereon at the Rate aforesaid, to be computed from the Day of the Date of such Bills respectively until the time of Payment thereof, shall be chargeable on some Part of the Aids or Supplies for the Year next succeeding the Day of the Date of the said Bills respectively.

Commissioners appointed under recited Acts to be Commissioners under this Act, together with others.

VI. And be it further enacted, That the several Persons who in and by the said first recited Act are constituted Commissioners for the Execution of the said Act in *Great Britain*, or so many of them as shall be living at the time of the passing of this Act, together with *William Heygate* Esquire, *William Wolryche Whitmore* Esquire, *John Innes* Esquire, *Robert Grant* Esquire, *Samuel Marsh Phillipps* Esquire, *Francis Ludlow Holt* Esquire, *George Dorrien* Esquire, *Andrew Colvile* Esquire, *Jeremiah Olive* Esquire, *George Hathorn* Esquire, *Joseph Reid* Esquire, *John Loch* Esquire and *James Gibson* Esquire, shall be and they are hereby constituted Commissioners for the Execution of the said recited Acts and this Act; and that all and every the Clauses, Provisoes, Powers, Privileges, Advantages and Penalties contained in the said recited Acts, shall be applied and extended to all Loans advanced, and Acts done by the said Commissioners or otherwise, in pursuance and in the Execution of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses and Provisoes, Powers, Privileges, Advantages and Penalties, had been particularly repeated and re-enacted in the Body of this Act, except only so far as the same are altered or amended or enlarged by this present Act.

Commissioners to take the following Oath.

VII. And be it further enacted, That any Two of the said Commissioners named in and constituted by this Act, before they shall enter upon the Execution of this Act, shall take an Oath before the Chancellor of the Exchequer, or the Master of the Rolls for the time being in *Great Britain*, which Oath the said Chancellor and Master of the Rolls are and is hereby respectively authorized and required to administer, the Tenor whereof shall be as followeth; that is to say,

'I *A. B.* do swear, That according to the best of my Judgment I 'will faithfully and impartially execute the several Powers and 'Trusts vested in me by an Act, intituled *An Act* [*here set forth* '*the Title of this Act*], according to the Tenor and Purport of 'the said Act.'

And every other of such Commissioners respectively shall likewise take the same Oath before such Two Commissioners, who are hereby authorized and required to administer the said Oath, after they shall themselves have taken the same as aforesaid.

Three Commissioners may act.

VIII. And be it further enacted, That from and after the passing of this Act, all Acts, Matters and Things which the said Commissioners for the Execution of the said recited Acts and this Act are by the said recited Acts or this Act authorized to do or execute, shall and may be done and executed by any Three or more of such Commissioners, except only in such cases where it is otherwise specially provided by the said recited Acts or this Act.

Commissioners may advance Money under this Act, subject to the Terms and Conditions of former Acts, except so far as the same may be altered by this Act.

IX. And be it further enacted, That it shall and may be lawful for the said Commissioners, at any time after the passing of this Act, to lend and advance, and to apportion or distribute to and amongst any Body or Bodies Politic or Corporate, or any Company or Companies of Proprietors, or Person or Persons engaged in or desirous of carrying on or interested in any Works of a public Nature carried on, or which may hereafter be carried on under the Authority of Parliament in any Part of *Great Britain*, or for the Encouragement of the Fisheries, or the Support of any Collieries or Mines, or any Trustees or Trustee of Roads or Railways, or any other Person or Persons whomsoever, for any the Purposes in the said recited Acts mentioned, or for any the Purposes mentioned in this Act (whether any such Corporations, Companies, Trustees or Persons respectively shall or shall not have received any Loan or Advance under the said recited Acts, or either of them, at any time before the passing of this Act, all or any Part of the Sum or Sums of Exchequer Bills to be issued at any time after the passing of this Act, under the Authority of the said recited Acts, or any of them, or this Act, upon, under and subject to the like Terms and Conditions as are specified and prescribed by the said recited Acts, or any of them, with respect to the Advance of Exchequer Bills authorized by the said recited Acts, or any of them, except so far as such Terms and Conditions may be altered or extended by this Act; and that any Loans or Advances which shall be made by the said Commissioners in Exchequer Bills to be issued under the authority of the said recited Acts, or any of them, or this Act, at any time after the passing of this Act, and for the Repayment of which no adequate Fund shall be secured or assigned as after mentioned, to the Satisfaction of the said Commissioners, of an Amount sufficient to discharge the said Loan and Interest by Instalments within the Period of Twenty Years from the Date of the Advance, as hereinafter mentioned, shall be repaid without Deduction or Abatement in the manner following; that is to say, the Principal of such Loan within the Period of Eight Years from the Date of the Advance, with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Date of the Advance,

Loans advanced without the Security of a fixed or expected Fund, to be repaid within Period of Eight Years afterwards.

and to be paid annually during the said Period of Eight Years, until the Whole of the said Loan, with Interest as aforesaid, shall be fully paid and satisfied.

Loans granted under this Act subject to the same Provisions as under last Acts, unless otherwise altered by this Act.

X. And be it further enacted, That any Loan or Loans which shall be granted by the said Commissioners from and after the passing of this Act, shall be subject to the same Powers, Limitations, Regulations and Conditions for the Grant and the Recovery thereof, as the Loans already granted under the Powers and Authorities of the said recited Acts, except so far as such Limitations, Regulations and Conditions shall or may be altered, varied or extended by this present Act; and that the said Commissioners shall have all such Powers and Authorities for the Purpose of recovering or compelling Payment of any Loans already made, or which shall hereafter be made, as are given to the Commissioners appointed by the said first recited Act in respect of any such Loans, or of any Default in the Payment thereof; and that all and every the Clauses and Provisoes in the said recited Acts contained for the Regulation of the said Commissioners in the Grant of any Loan or Loans, and the Recovery and Receipt of the Loans when due and payable, or otherwise howsoever, shall be of the like Force and Effect, except as aforesaid, as if such Clauses and Provisions were particularly repeated and re-enacted in the Body of this Act.

Officers of the Exchequer not to receive Fees.

XI. And be it further enacted, That no Officer or other Person or Persons whatsoever, employed in and about the Execution of the said recited Acts and this Act, in the Receipt of His Majesty's Exchequer in *Great Britain*, shall demand, take or accept any Fee or Gratuity whatsoever for their Care and Labour, other than such Salaries, Allowances, Rewards or Emoluments as shall or may be granted to, or be allowed to be taken by them respectively under the Authority of the said Commissioners of His Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the time being, in *Great Britain*.

Treasury to issue Money to defray Expences of executing Act.

XII. And be it further enacted, That it shall and may be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more of them, or the said Lord High Treasurer for the time being, in *Great Britain*, and they are hereby respectively authorized and required to issue and advance, or cause to be issued and advanced, all such Sums of Money to such Person or Persons, in such manner and in such Proportions as the Commissioners for the Execution of the said recited Acts and this Act, or any Three or more of them, shall by Writing under their Hands from time to time desire, out of any Part of the Public Funds remaining in His Majesty's Exchequer at *Westminster*, to be replaced in the manner in this Act mentioned; which Sums so to be issued and advanced shall be employed for the Payment of Allowances, and in defraying all other necessary Charges and Expences in or about the Execution of the said recited Acts and this Act, without other Account than before the said Commissioners of His Majesty's Treasury; and which Money so to be issued shall not be subject to any Tax, Duty, Rate or Assessment whatsoever, imposed by Authority of Parliament, but that an Account of the said Charges and Expences shall be laid before both Houses of Parliament, within Two Months after the Expir-

Tax free.

ation of the said Commission, if Parliament shall be then sitting, but if Parliament shall not be then sitting, then within Fourteen Days after the Commencement of the then next Session of Parliament.

Treasury to direct Exchequer Bills to be issued, agreeably to Certificates of Commissioners.

XIII. And be it further enacted, That when and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Exchequer Bills to be advanced under the Provisions of the said recited Acts, or any of them, or this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Auditor of the Receipt of His Majesty's Exchequer at *Westminster* for the time being, who on such Certificate or Certificates being deposited in his Office, shall cause and direct to be delivered to the Bearer or Bearers thereof, Exchequer Bills payable at the Period before mentioned, and to such Amount as the said Commissioners shall direct, provided the total Amount to be issued by virtue of such Certificates shall not at any Time exceed the Amount of Exchequer Bills directed to be issued under this Act; and every such Exchequer Bill shall bear Date on the Day on which the said Certificates shall appoint and direct, and shall and may be signed by the Auditor of the Receipt of His Majesty's Exchequer, or in his Name, by any Person duly authorized by the said Auditor to sign the same.

Proviso as to total Amount.

Lists of Exchequer Bills issued, to be delivered to Commissioners.

XIV. And be it further enacted, That such Officers by whom such Exchequer Bills shall be delivered shall from time to time, upon Requisition of the said Commissioners for the Execution of the said recited Acts and this Act, deliver to them at their Office complete Lists of all the Exchequer Bills made out and delivered by them, specifying therein the respective Dates and Sums expressed therein, and the Periods appointed for the Payment of the same, and distinguishing therein the Persons to whom, and the Numbers of the Certificates by virtue whereof the same were issued respectively.

In all Cases where a fixed Fund cannot be provided, Commissioners to take personal Security by Bond to the King.

XV. And be it further enacted, That in all Cases of Assistance afforded by the Loan or Advance of any Exchequer Bills under the Provisions of the said recited Acts, or any of them, or this Act, in which a Fund shall not be shown to the Satisfaction of the said Commissioners for the Execution thereof, either to exist or as likely to arise on the Security proposed for any Loan or Loans applied for under the Provisions of the said recited Acts, or any of them, or this Act, of sufficient Amount to discharge the said Loan by Instalments within a Period of Twenty Years from the Date of the Advance; and the First of which Instalments shall commence and be payable within Five Years at farthest from the Date of such Advance, with Interest at the Rate of Four Pounds *per Centum per Annum* on the Principal from time to time remaining due; that then and in every such case the said Commissioners shall require and take personal Security, either collaterally or in chief, which Security shall be by Writing obligatory to our Sovereign Lord the King, in such Sum or Sums of Money as shall be directed by the said Commissioners, or any Three or more of them, to be paid to our said Lord the King, by such Form of Words as Obligations to the King's Majesty have been used to be made, and with such Conditions to be thereunder written, as by

by such Commissioners shall be deemed proper; and that all such Obligations to be so made shall be good and effectual in the Law, and shall be of the same Quality, Force and Effect, to all Intents and Purposes, as any Obligation made to our Sovereign Lord the now King, or his Predecessors, or any of them, hath at any Time heretofore been, or now is adjudged, received or taken to be; any Law, Usage or Custom to the contrary notwithstanding.

Obligations good in Law.

XVI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to grant any Loan or Loans under the Provisions of the said recited Acts, or any of them, or this Act, without requiring personal Security, in every Case where it can be proved to their Satisfaction, on Oath, that the Security offered will be adequate to the Discharge of the Principal of the Loan applied for, by Instalments, payable as aforesaid, and of sufficient Amount in the whole to discharge the said Loan within a Period of Twenty Years from the Date of the Advance of the same, with Interest at the Rate of Four Pounds *per Centum per Annum* on the Principal Sum from time to time remaining due; any thing in the said recited Acts, or this Act, contained to the contrary in any wise notwithstanding.

Loans may be granted without personal Security in certain Cases.

Interest at 4l. per Cent.

XVII. And be it further enacted, That in all Cases of Assistance afforded by the Loan or Advance of any Exchequer Bills, under the Provisions of the said recited Acts, or any of them, or this Act, for the carrying on, Completion or Repair of any public Work, Road, Railway or Drainage, it shall be lawful for the said Commissioners for the Execution of the said recited Acts and this Act, and they are hereby authorized and required, to take from the Body Politic or Corporate, or Company or Companies of Proprietors interested in such public Work, or the Trustees, Commissioners or other Parties having the Care or Management of such Roads, Railways or Drainage, and applying for such Assistance, Mortgages, Assignments or other competent Security of such Public Works and Undertakings respectively, and of all Property of what Nature or Kind soever belonging thereto, and of the Rates, Tolls and Receipts of what Nature or Kind soever accruing, or which may at any Time thereafter accrue, arise or be taken, collected or received by or for the Use of the Body Politic or Corporate, or Company of Proprietors, Trustees or Commissioners, or other Parties or Persons interested in the public Work, Road, Railway or Drainage, in respect or in aid of which the Advance of Exchequer Bills under the said recited Acts, or any of them, or this Act, shall be made, for the securing the Repayment of the full Amount of the Exchequer Bills advanced by Instalments, to a sufficient Amount in the whole to repay the Principal Money advanced within the Period of Twenty Years from the Date of the said Advance; and the First of which Instalments shall commence and be payable within the Period of Five Years at farthest from the Date of such Advance, with Interest at the Rate of Four Pounds *per Centum per Annum* on the Principal from time to time remaining due; and it shall be lawful for any Body Politic or Corporate, or Company of Proprietors, to whom any such public Work shall belong, or the Trustees, Commissioners or other Parties or Persons, by whatever Name or Names called, under whose Care, Management or Controul any such public Work,

Commissioners to take Mortgages of Public Works.

Periods of Repayment by Instalments with Interest at 4l. per Cent.

Road, Railway or Drainage shall be, and they are hereby severally and respectively authorized and required to mortgage, assign and secure such public Works and Undertakings respectively, and all Property as aforesaid belonging thereto, and such Rates, Tolls or Receipts, to the Secretary of the said Commissioners, in such Manner and Form as the said Commissioners shall direct and appoint; and all such Mortgages, Assignments and other Securities, shall have Priority over, and shall precéde all other Securities, and all Dividends and Division of Profit or Interest upon any Sums advanced or contributed, or which may thereafter be advanced or contributed for the carrying on or completing of any such public Work, Road, Railway or Drainage, save and except such Sums as shall have been advanced by way of Loan before the Advance of such Bills or Money, and for securing of which said previous Advances, Mortgages, Assignments or other Securities shall have been given and executed to any Person or Persons as *bonâ fide* Creditors, and entitled as such to the Repayment of the Principal Money advanced by them, as well as Interest thereon; any thing contained in any Act or Acts of Parliament relating to any such public Work, Road, Railway or Drainage, in aid or in respect of which any such Exchequer Bills have been or shall be advanced under the Provisions of the said recited Acts, or any of them, and this Act, to the contrary in any wise notwithstanding.

Priority of Securities.

XVIII. Provided always, and be it further enacted, That in every Case in which Four fifth Parts in Amount in Value of the Persons holding Mortgages, Assignments or other Securities on such public Works, Roads, Railways or Drainage, in respect of which Application shall be made for the Advance of any Exchequer Bills under the Provisions of the said recited Acts, or any of them, or this Act, shall agree and signify their Consent in Writing, that a Priority over the Securities held by them respectively shall be given to the Commissioners for the Purposes of this Act, then and in such case the Mortgages, Assignments or other Securities given by the Body Politic or Corporate, or Company of Proprietors, or Parties or Persons interested in any such public Work, Road, Railway or Drainage, to the Secretary of the said Commissioners for the time being, shall have Priority over the Claims of all Persons holding the like Securities, as well such as have not agreed or assented to such Priority, as to those who have so agreed as aforesaid; any thing contained in any Act or Acts of Parliament relating to any such public Work, Road, Railway or Drainage as aforesaid, or any thing contained in any Mortgage, Assignment or other Security given to any such Parties respectively, to the contrary notwithstanding.

Four Fifths in Value of Parties holding Securities consenting thereto Commissioners' Mortgage shall have Priority.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to make any Advance of Exchequer Bills under the said recited Acts or any of them, or this Act, in aid of any public Work or Undertaking as aforesaid, upon the Credit of any Rate, Rents, Tolls or Profits arising from such public Work or Undertaking, and of the said Work or Undertaking itself, and all Freehold and Leasehold Property of what Nature or Kind soever, belonging to such public Work or Undertaking respectively, although such public Work or Undertaking shall only be in Part completed, and shall not be in the Receipt of

Loans may be advanced to public Works not at present in Receipt of Tolls, on certain Terms.

of any Rate, Rents, Tolls or Profits, or not in the Receipt of any Rate, Rent, Toll or Profits of sufficient Amount for the Repayment of any Loan by Instalments in the manner and within the Periods aforesaid; provided the actual and expected Receipt or Produce of the said Work or Undertaking shall be proved to the Satisfaction of the said Commissioners to be adequate to the Discharge of the said Loan, by Instalments payable as aforesaid, within the Period of Twenty Years from the Date of the said Advance, together with Interest at the Rate of Four Pounds *per Centum per Annum* on the Principal from time to time remaining due; and provided the said Commissioners shall be satisfied of the Practicability and Utility of the Work; and provided the Corporation or Company, or Person or Persons carrying the same into Execution, shall expend, subscribe for or deposit, in such manner as the said Commissioners shall direct, before any Advance shall be made under the Provisions of the said recited Acts or any of them, and this Act, a Sum equal to not less than One Half Part of the estimated Costs for the Completion of such Work or Undertaking as aforesaid: Provided always, that in the Estimate of the Sum so to be expended, subscribed for or deposited, the said Commissioners may, if they shall see fit, take in Consideration Monies already expended upon such Work or Undertaking, but so as that in no case the further Expenditure, Subscription or Deposit, required as aforesaid, shall be less than One Third of the estimated Costs for the Completion of the whole of such Work or Undertaking as aforesaid; and in every such case such Advance may be made upon Mortgage or Assignment of the said Work or Undertaking, and of all Property of what Nature or Kind soever belonging to the same respectively, and of the Rates, Rents, Tolls or Profits receivable, or expected to be received, from such Works or Undertakings respectively, for securing Repayment of the Loan advanced within the Period of Twenty Years from the Date of the said Advance, by such Instalments, payable as aforesaid, as the said Commissioners shall direct and appoint, with Interest at the Rate of Four Pounds *per Centum per Annum* on the Principal from time to time remaining due, until the whole of the said Principal, and all Interest which shall accrue thereon, shall be fully paid and satisfied.

Period of Repayment by Instalments, with Interest at 4*l.* per Cent.

Commissioners in their Estimate may consider Monies already expended.

Period of Repayment by Instalments, with Interest at 4*l.* per Cent.

XX. Provided always, and be it further enacted, That in every case in which any such Advance shall be made upon an incomplete public Work or Undertaking as aforesaid, not in the Receipt of any Rate, Rent, Tolls or Profits, or in the Receipt of any Rate, Rent, Tolls or Profits of insufficient Amount for the Repayment of such Advance in manner aforesaid, the said Commissioners shall and they are hereby authorized and empowered to make Calls on the Proprietors or Shareholders of the said Work or Undertaking, in Proportion to the Amount of their respective Subscriptions as Proprietors or Shareholders therein, for such Sum or Sums of Money as may be necessary to complete the said Work or Undertaking, in case the Expence of completing the same shall exceed the Sum estimated for the Completion thereof at the Time of the Application for the said Loan; and in Default of Payment of the said Calls, within One Calendar Month from the Date of the same being applied for, (and which Application the said Commissioners are

Proprietors or Shareholders of any unfinished Work may be called on to complete their Payments.

On Default, &c.

Notice.

are hereby authorized to make, by a Notice to be left at the usual Place of Abode of the Parties respectively liable to pay the same, by such Person or Persons as the said Commissioners may appoint), it shall be lawful for the said Commissioners, in the Name of their Secretary for the time being, to sue for the same or any Part thereof, in any Court of Law or Equity.

Commissioners may sue.

Trustees of Roads to whom Advances are made under this Act, may increase Tolls for Repayment.

XXI. And be it further enacted, That it shall be lawful for the Trustees of any Road for which any Advance shall be made under the Provisions of the said recited Acts or any of them, or this Act, or the major Part of the Trustees, not being less than Two Thirds of the Number of Trustees present at any Meeting, called together by Notice given in the usual manner in which Notices are given for assembling such Trustees, Six Days at the least before the Day appointed for the Meeting, and in which Notice the Purpose for which the Meeting is assembled shall be stated, to make an Order for laying on of such additional Tolls, not exceeding in any Case One Half of the Amount of the Tolls which may be legally taken by virtue of any Act or Acts of Parliament then in force in relation to such Road, as may be necessary in the Judgment of the said Trustees for raising a sufficient Fund for or towards the Repayment of any such Advance, with all Interest due thereon, within the Period stipulated under the Provisions of this Act for such Repayment; and from and after the Period specified in any such Order, all such additional Tolls may be demanded, taken, collected and recovered by the same Persons, and by and under all such and the like Powers, Authorities, Penalties, Forfeitures, Provisions and Remedies, as Tolls are taken in Relation to such Road under the Authority of any Act or Acts of Parliament, in like manner in every respect as if such additional Tolls were inserted in and made Part of the Tolls allowed to be taken and collected under the Act or Acts of Parliament relating to any such Road; any thing contained in the said Acts to the contrary thereof notwithstanding: Provided always, that in every such case, the said additional Toll shall be assigned to the Secretary of the said Commissioners, in such Form as the said Commissioners may direct and appoint; and that a separate and distinct Account shall be kept of the Produce of such increased and additional Tolls, and the Amount collected and arising from such increased and additional Tolls shall in every such case be applied solely in or towards the Repayment of such Advance, with Interest thereon, according to the Provisions of the said recited Acts and this Act; and when and so soon as such Repayment shall be completed, all such additional Tolls shall cease and determine.

Additional Tolls recovered as by former Acts.

Additional Tolls assigned to Secretary of Commissioners.

Commissioners of Drainage, to whom Advances made, may increase Rates for Repayment.

XXII. And be it further enacted, That it shall and may be lawful for the Commissioners or Trustees of any Drainage for which any Advance shall be made under the Provisions of the said recited Acts, or any of them, or this Act, or the major Part of such Commissioners or Trustees, not being less than Two Thirds of the Number present at any Meeting called together by Notice given in the usual manner in which Notices are given for assembling such Commissioners or Trustees, Six Days at the least before the Day appointed for the Meeting, and in which Notice the Purpose for which the Meeting is assembled shall be stated, to make an Order

Order for laying on such additional Rates or Assessments, not exceeding in any case One Half of the Amount of the Rates or Assessments which may be legally taken by virtue of any Act or Acts of Parliament then in force in relation to such Drainage, as may be necessary, in the Judgment of the said Commissioners or Trustees, for raising a sufficient Fund for or towards the Repayment of any such Advance, with all Interest thereon, within the Period stipulated under the Provisions of this Act for such Repayment; and from and after the Period specified in any such Order, all such Additional Rates or Assessments may be rated and assessed and demanded, taken, collected, levied and recovered by the same Persons, and by and under all such and the like Powers, Authorities, Penalties, Forfeitures, Provisions and Remedies, as Rates and Assessments are rated, assessed, demanded, taken, collected, levied and recovered, in relation to such Drainage, under the Authority of any Act or Acts of Parliament, in like manner in any respect as if such additional Rates and Assessments were inserted in and allowed to be assessed, taken and collected under the Act or Acts of Parliament relating to any such Drainage; any thing contained in the said Acts to the contrary thereof notwithstanding: Provided always, that in every such case all such additional Rates and Assessments shall be assigned to the Secretary of the said Commissioners, in such Form as the said Commissioners may direct and appoint, and that a separate and distinct Account shall be kept of the Produce of such increased and additional Rates and Assessments; and the Amount collected and arising from such increased and additional Rates and Assessments shall, in every such case, be applied solely in or towards the Repayment of such Advance, with Interest thereon, according to the Provisions of this Act; and when and so soon as such Repayment shall be completed, all such additional Rates and Assessments shall cease and determine.

To be raised as by former Acts.

Additional Rates assigned to Secretary of Commissioners.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners to receive Applications in Writing from the Trustees of any Road or Roads, Railway or Railways, or the Trustees or Commissioners of any Harbour or Drainage, whether acting under the Authority of Parliament or otherwise, or from any Person or Persons for the Encouragement of the Fisheries, or the Support of any Collieries or Mines, or from any Person or Persons proposing to undertake any Embankment from the Sea, or any other beneficial Object or Work, for the Purpose of affording Employment to the labouring Classes in any Part or Parts of *Great Britain*, for any Loan and Advance of Exchequer Bills or Money under the Provisions of the said recited Acts or this Act; and the said Commissioners shall proceed to take such Applications into their Consideration, in such and the like manner as any other Applications mentioned and referred to in the said recited Acts or this Act, and to grant such Loan or Loans in pursuance thereof as the said Commissioners may think fit, having regard, in considering all such Applications, to the Benefit which may arise in affording Employment to the labouring Classes of People, and the Numbers to be employed, and to the Validity of the Security proposed for the Repayment of the Exchequer Bills or Money so advanced.

Advances may be made to Trustees of Roads, &c. not acting under Authority of Parliament, or to Persons for Encouragement of Fisheries, Collieries, &c.

XXIV. And

Commissioners may take Possession of Tolls in certain cases.

XXIV. And be it further enacted, That in every case in which the Trustees or Commissioners, or other Parties or Persons having the Care, Management or Controul of any Road, Railway or Drainage, shall from and after the passing of this Act neglect or refuse to raise the Tolls collected thereon, or shall make Default in the Payments of the Instalments and Interest which may accrue due on any Mortgage, Assignment or other Security to be given and executed to the Secretary of the said Commissioners in manner aforesaid, it shall and may be lawful for the said Commissioners, and they are hereby authorized, in addition to all other Remedies provided by the said recited Acts or any of them, and this Act, to make an Order under the Hands and Seals of any Three or more of them, to any Person or Persons, authorizing and requiring such Person or Persons to seize the Tolls then collected and taken by the Trustees or Commissioners, or other Parties or Persons so refusing or making Default; and the Person or Persons to whom such Order shall be directed is and are hereby authorized, immediately on receiving such Order, by himself or themselves, or such other Person or Persons as he or they shall employ for the Purpose, forthwith to take Possession of the Toll Gates or Bars and Toll Houses of the Trustees or Commissioners, or other Parties or Persons so refusing or neglecting or making Default as aforesaid, and to take, collect and receive the Tolls which such Trustees or other Parties or Persons would otherwise have taken, collected and received; and the said Person or Persons so executing the said Order shall continue in Possession of the said Toll Gates or Bars and Toll Houses, and continue to take, collect and receive the said Tolls, and account for the same to the said Commissioners, until the Principal Sum advanced by the said Commissioners to the Trustees or Commissioners or other Parties or Persons so refusing or neglecting or making Default, together with the Interest thereon, and the Costs, Charges and Expences of taking such Possession as aforesaid shall be fully paid and discharged: Provided always, that nothing herein contained shall extend or be construed to extend to invalidate or affect any existing Lease or Leases of the said Tolls, or to render the said Commissioners liable for the Repairs of any Road, Railway or Drainage on which they shall collect and receive the Tolls as aforesaid; but the said Commissioners shall and they are hereby authorized to apply the said Tolls towards such Repairs, to such Extent as they shall in their Judgment and Discretion consider necessary or expedient.

Proceedings thereon.

Proviso for existing Leases of Tolls, &c.

‘ XXV. And Whereas the said Commissioners acting under the ‘ said recited Acts in *Great Britain* have advanced, and may ‘ hereafter advance sundry Loans to certain Companies of Pro- ‘ prietors interested in carrying on Canals and other Works of a ‘ Public Nature, and also to Trustees of Roads and Railways act- ‘ ing under the Authority of Parliament: And Whereas by the ‘ said recited Act of the First Year of His present Majesty King ‘ *George* the Fourth, it is amongst other things enacted, that if ‘ any Default should be made in the Repayment (but not other- ‘ wise), of all or any Part of any Loan or Advance which had been ‘ or should be secured to the said Commissioners in Part or in the ‘ Whole, by any Mortgage or Assignment of any Interest, Pro-

1 G. 4. c. 60. § 19.

‘ perty

'perty or Effects whatsoever, Real or Personal, it should be lawful for the said Commissioners, or such Person or Persons as should be nominated and appointed by any Three or more of them, in Writing, to take Possession of all or any Parts or Part of such mortgaged or assigned Interest, Property or Effects, and by Sale or Mortgage of the same, or a competent Part thereof, to raise and levy such Sum or Sums of Money as would be sufficient to repay all Monies due upon or in respect of such Loan or Advance, and the Interest thereof, and all Costs and Charges attending such Proceedings: And Whereas Doubts have arisen whether under such Mortgages or Assignments, and upon such Sale or Sales so authorized to be made as aforesaid, the Corporate Rights of the said Companies of Proprietors interested in carrying on such Canals and other Works of a public Nature, or the Powers and Authorities vested in the Trustees of such Roads or Railways, became vested in the said Commissioners, or could be conveyed and made over by them to the Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, or the Person or Persons who upon such Sale or Sales might become the Purchaser or Purchasers of such mortgaged or assigned Interest, Property or Effects;' Be it further enacted and declared, That in all Cases whatsoever, in which Mortgages or Assignments have been or shall be made to the said Commissioners or their Secretary for the time being, by any Company or Companies of Proprietors interested in carrying on any Canal or other Work of a public Nature, or by the Trustees of any Road or Railway, acting under the Authority of Parliament, and which Mortgages or Assignments have been or shall be made as a Security for any Loan or Advance under the said recited Acts, or any of them, or this Act, that all the Estate, Right, Title, Interest, Privileges, Powers and Authorities, of what Nature or Kind soever, which at the time of making of such Mortgages or Assignments were or may hereafter be vested in and exercised by the said Company or Companies of Proprietors, or the said Trustees, shall, under and by virtue of the said Mortgages or Assignments, become vested in the Secretary to the said Commissioners from such Period as the said Commissioners shall, under the Authority aforesaid, or by virtue of the Powers and Authorities of this Act, take Possession of the Property which may be so mortgaged or assigned to them in manner aforesaid; and that upon any Sale or Sales by the said Commissioners under the Authority aforesaid, it shall be lawful for the said Commissioners to direct their said Secretary, or his Successor for the time being, to convey, assign and make over any Interest, Property or Effects whatsoever, upon which all or any Part of any Loan or Advance has been or shall be secured under the Provisions of the said recited Acts, or any of them, or this Act, to any Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, or other Person or Persons whomsoever, who shall become the Purchaser or Purchasers thereof, or of any Part thereof; and that upon such Conveyance and Assignment being so made in manner aforesaid, the Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, or other Person or Persons to whom the same shall be made, as the Purchaser or Purchasers thereof, or of any

The Corporate Rights, &c. of Commissioners carrying on public Works giving Security, vested in Secretary of Commissioners, from the time they take Possession of the Property mortgaged, who may convey, &c.

any Part thereof, or as otherwise entitled to a Conveyance of the same, or any Part thereof, shall, from the Date of such Conveyance or Assignment, become vested with all the Estate, Right, Title, Interest and Privileges, and entitled to exercise and put in force all Powers and Authorities whatsoever, which were vested in and might be exercised by the said Company or Companies of Proprietors interested in carrying on the said Canals or other Works of a public Nature, or by the said Trustees of the said Roads or Railways, at the Time of the Execution of such Mortgages or Assignments to the said Commissioners, or their Secretary for the time being, for the Purpose aforesaid; any Law, Statute or Usage to the contrary in any wise notwithstanding.

Parties may pay off Loans and take Assignments of Securities held by Commissioners.

XXVI. Provided always, and be it further enacted, That in all Cases of Loans, advanced under the Provisions of the said recited Acts, or any of them, or this Act, it shall be lawful for any Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, who may be desirous of discharging and paying off the Amount of the principal Money, and the Interest due or hereafter to become due to the said Commissioners, or to their Secretary for the time being, on any Loan or Loans advanced under the said recited Acts, or any of them, or which shall hereafter be advanced under the said recited Acts or any of them, or this Act, and he or they are hereby empowered to borrow such Sum or Sums of Money as may be required for such Purpose, of any Person or Persons willing to advance the same on the Security of an Assignment of the Mortgage or other Security given to the said Commissioners, or their Secretary for the time being, for the Loan or Loans which may be proposed to be paid off as aforesaid;

Assignment by Secretary.

and which Assignment the said Commissioners are hereby authorized and empowered to direct their said Secretary to make, upon such Terms and Conditions as the said Commissioners shall, under the Circumstances of any such case, deem expedient; and the Parties or Persons, Bodies Politic or Corporate or Company or Companies of Proprietors, to whom such Assignment shall be made, shall, under and by virtue thereof, in all respects, be entitled to such and the like Priority, Powers, Privileges and Advantages, as the said Commissioners were entitled to on the Security so assigned, until the Principal and Interest remaining due and secured thereby shall be fully paid and discharged; any Act, Law or Usage to the contrary thereof in any wise notwithstanding.

Commissioners may take Mortgages or Assignments of Freehold, Copyhold or Leasehold Property, as further Security for Advances made.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, in all Cases where they shall see occasion, in addition to the Security required by the said recited Acts and this Act and as a further Security for any Loan under the said recited Acts, or any of them, or this Act, or for Part of such Loan from any Principal or Surety in such Loan, to require andtake Security by Mortgages, Assignments, Surrenders or other competent Assurance, upon the Freehold, Copyhold or Leasehold Estate or Estates of such Principal or Surety, or other Person or Persons by whom such Loan shall be required, or to or for whose Use such Loan shall be granted; such Mortgages, Assignments, Surrenders or other Security to be respectively granted and made to and in the Name of the Secretary to the said Commissioners for the time being, in Trust for the said

said Commissioners, and upon such Terms, Provisoes and Conditions as the said Commissioners, or any Three or more of them, shall direct and appoint with respect to such Loan or any Part thereof.

Commissioners may take Heritable Securities on Estates in Scotland.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, in all cases where they shall see occasion, to accept and take, as a further and additional Security for any Loan to be made of any Exchequer Bills as aforesaid under the said recited Acts, or any of them, or this Act or Part of such Loan, from any Principal or Surety in such Loan, or other Person or Persons having Lands, Heritages or other Real Estates in *Scotland*, or any Heritable Security whatever which may affect, incumber or charge the said Real Estates of such Principal or Sureties, or such other Persons as aforesaid, by the Laws of *Scotland;* and also to accept and take, as a like further and additional Security, from any such Principal or Surety, or other Person or Persons possessed of any Heritable Security affecting, incumbering or charging any Real Estates in *Scotland*, any Assignment of such Heritable Security proposed according to the Forms prescribed by the Laws of *Scotland;* and that every such Heritable Security which shall be so granted and constituted, and every Assignment of any Heritable Security which shall be so made, as any such further and additional Security for such Loan as aforesaid, shall respectively be granted, constituted and made to and in the Name of the Secretary of the said Commissioners for the time being, in Trust for the said Commissioners, in Terms of the Loan for which the same shall be a Security; and the said Secretary for the time being shall, under the Directions of the said Commissioners, or any Three or more of them, have full Power and Authority to perform, execute and carry into effect, any Acts, Matters and Things whatsoever, which shall be requisite for the further and better assuring and validating any such Heritable Security or Assignment thereof as aforesaid, and for enforcing, prosecuting and pursuing the same, for the Recovery of the Sums for which such Securities were respectively granted, constituted and made, in all Courts of competent Jurisdiction in *Scotland*, as fully and effectually, to all Intents and Purposes, as if the same Securities respectively were granted, constituted and made to the Secretary for the time being, as a Security for his own proper Debt in *Scotland;* and that on Payment or Satisfaction of the Principal Sums for which such Security shall be given, with Interest for the same, and all Costs incurred in recovering the same, the said Secretary for the time being shall, and is hereby authorized, under the Direction of the said Commissioners, or any Three or more of them, to execute on Behalf of the said Commissioners a Discharge or Renunciation of the said Money so paid and satisfied, to be prepared at the Costs of the Party or Parties making such Payment or Satisfaction, according to the Forms prescribed by Law for discharging and renouncing any Heritable Debt or Incumbrance upon a Real Estate in *Scotland;* and that such Discharge shall be good and valid in Law, to all Intents and Purposes whatsoever.

Secretary under the Direction of the Commissioners may do all effectual Acts.

Commissioners may take De-

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, in all Cases where they shall see occasion,

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posits of Exchequer Bills, India Bonds, &c. in Security for Loans.

to accept and take, as a further and additional Security for any Loan to be advanced under the said recited Acts, or any of them, or this Act, or any Part of such Loan over and above the Security required by the said recited Acts or this Act, any Exchequer Bills, India Bonds or any transferable Share or Shares in any Corporation, Company or public Work carried on under the Authority of Parliament, Bills of Exchange or other negotiable Securities for Money whatever, which shall be assigned, transferred or deposited for that Purpose, as the said Commissioners, or any Three or more of them, shall direct; and all such Exchequer Bills, India Bonds, Share or Shares in any such Corporation, Company or public Works, Bills of Exchange or other negotiable Securities for Money, so assigned transferred or deposited, shall, in Default of Payment of such Loan in the manner directed and appointed by the said Commissioners under and by virtue of the said recited Acts or this Act, or any Three or more of them, become and be vested in the said Commissioners; and shall and may be sold and disposed of, or the Monies due or payable by virtue thereof shall and may be sued for in due Course of Law, in the Name of their Secretary for the time being, for the Use of the said Commissioners.

And which on Default of Payment are to rest in Commissioners.

Commissioners may change Securities in certain Cases.

XXX. Provided also, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to accept and receive from any Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, or Trustees or Trustee of any Roads or Railways, or any other Person or Persons, Party or Parties whomsoever, to whom any Loan or Loans has or have been or shall be advanced under the Authority of the said recited Acts, or any of them, or this Act, and also of and from his, her or their Surety or Sureties, such other Security or Securities, Real or Personal, for the Whole or any Part of any Loan or Loans advanced, or which shall be advanced under the said recited Acts, or any of them, or this Act, and in lieu and instead of any existing Security or Securities, Real or Personal, which may have been taken for such Loan or Loans, or any Part or Parts thereof, as they the said Commissioners shall in their Discretion think fit, having regard to the particular Circumstances of the case in which Application for such Change of Security shall be made, and subject to such Terms, Conditions and Regulations as the said Commissioners shall from time to time direct and appoint, and so as in no case to extend the Period for the Repayment of such Loan or Loans beyond the Period for which the same was originally granted under and by virtue of the said recited Acts, or any of them, or this Act, or beyond the Period of Twenty Years from the Date of the Advance of such Loan; any thing in the said Acts contained to the contrary thereof in any wise notwithstanding.

But not to extend the original Period for Repayment.

Securities given to Secretary to vest in his Successor.

XXXI. And be it further enacted, That in all Cases in which, by virtue of the said recited Acts, or any of them, or this Act, or of any Act of Parliament, Conveyance, Assignment, Transfer, Obligation or Security, any Interest in Real or Personal Estate, Effects or Property, have been or shall be vested in, conveyed, assigned, transferred, made payable or secured to the Secretary of the Commissioners for the time being, for the Execution of the said

said recited Acts or this Act, as such Secretary, and in respect of his Office, all such Real and Personal Estate, Effects and Property whatsoever, upon the Death, Removal or Resignation of any such Secretary from time to time, and as often as the same shall happen, and the Appointment of a Successor shall take place, shall (subject to the same Trusts, if any, as the same were before respectively subject to) vest in such succeeding Secretary, by force of this Act and without any Act or Deed whatever to be done by the Secretary dying, resigning or removed, or by the Heirs, Executors or Administrators of such Secretary, or by any Person or Persons claiming under him, them or any of them, and notwithstanding any such Interest may have been expressed to be vested in, conveyed, assigned, transferred, made payable to or secured to such Secretary, his Heirs, Executors, Administrators and Assigns, or any of them; and shall and may be proceeded upon in the Name of any succeeding Secretary, by any Action or Suit in Law or Equity, or in any other manner as the same might have been proceeded upon by or in the Name or Names of such Secretary dying, resigning or removed, his Executors or Administrators.

And be proceeded upon accordingly, in Law or Equity, &c.

XXXII. And be it further enacted, That after the due Payment of any Loan or Loans advanced with Interest as aforesaid, at the Times and in the Manner specified in every Security or Obligation given or entered into in pursuance of the said recited Acts or any of them or this Act, according to the true Intent and Meaning of the said Acts respectively, or any of them, every such Security or Obligation shall be forthwith delivered up to be cancelled; and in case any such Security or Obligation shall have been prosecuted according to the Directions of the said recited Acts, or any of them or this Act, the said Commissioners, or any Two or more of them, shall, by their Warrant or Warrants, direct the proper Officer or Officers of the Courts of Exchequer in *England* or *Scotland* respectively, to enter up Satisfaction on such Security or Obligation so being satisfied as aforesaid upon the Record, or otherwise to deliver up the same to be cancelled, as the case may require.

After Payment of Loans, Obligation to be cancelled.

As directed by Warrant of Commissioners.

'XXXIII. And Whereas the Parties to whom Exchequer Bills 'may be issued by virtue of this Act may not have occasion to 'make use of all the said Bills;' Be it further enacted, That such Exchequer Bills as may be tendered in Payment or Part of Payment of any of the Sums advanced by virtue of this Act, shall be returned to the Office at the Exchequer in *Great Britain* from which they were issued, and forthwith cancelled by the proper Officer or Officers by whom the said Bills were issued, he or they giving a Certificate to the Person returning such Exchequer Bills, for the Information of the said Commissioners, and in order that the Amount thereof and of all Interest due thereon, may be credited to the Parties so returning the same to be cancelled.

Exchequer Bills not used to be cancelled.

XXXIV. And be it further enacted, That the Governors and Directors of the Bank of *England* shall and they are hereby required to continue the Account now open in their Books with the Commissioners, for the Execution of the said recited Acts, under the Title of "Commissioners for the Issue of certain Exchequer Bills," and shall carry to the Credit of such Account the several

Bank to continue to keep open an Account with the Commissioners in the manner herein directed.

Monies by this Act directed to be paid to the Cashiers of the said Bank; and whenever the said Commissioners for the Execution of the said recited Acts and this Act shall have advanced or lent any of the Exchequer Bills, to be made out in pursuance of this Act, to any Person or Persons, the said Commissioners shall, at some time before the Sums contained therein shall be to be repaid, deliver to such Person or Persons, Body Politic or Corporate, at his or their Request, One or more Certificate or Certificates, under the Hands of any Three or more of them, specifying the Amount of the Exchequer Bills lent and advanced to such Person or Persons, Bodies Politic or Corporate, and the Amount of the Money to be received on account thereof; and the said Cashiers of the Bank or One of them shall, upon the Production of such Certificate or Certificates, accept and receive from the Person or Persons producing the same the Amount of the Money therein mentioned to be receivable, and at the Foot of such Certificate or Certificates shall acknowledge the Receipt of the said Money without Fee or Reward, and every Receipt so given as aforesaid shall be afterwards brought to the Office of the said Commissioners and by them entered in proper Books to be provided and kept for that Purpose; and the said Commissioners or any Three or more of them, shall attest the same under their Hands, and return the same to the Person or Persons producing the same at the said Office, and every such Receipt so attested, and every such Entry in any of the said Books, shall respectively from thenceforth be a valid and effectual Acquittance and Discharge for the Sum or Sums expressed therein to have been received, as well against the said Commissioners and every of them, their and every of their Executors and Administrators, as also to the Person or Persons to whom such Receipts shall be given, and to all and every the Person and Persons who shall have entered into any Security in respect of the Exchequer Bills mentioned in such Certificate to which such Receipt shall be subscribed, their and every of their Heirs, Executors and Administrators respectively, to all Intents and Purposes whatsoever; and all Money which may be recovered by any legal or other Proceedings directed by the said Commissioners under the Authority of the said recited Acts or any of them, or this Act, shall be paid by the Secretary of the said Commissioners, or such other Person as may be appointed by them for that Purpose, into the same Account, upon a Certificate to be signed by any Three or more of the said Commissioners, specifying on what or on whose Account the said Money may have been recovered; and the said Cashiers of the Bank or any One of them, shall, upon the Production of such last mentioned Certificate, accept and receive from such Secretary or other Person the Monies mentioned in such last mentioned Certificate, and at the Foot of such Certificate shall acknowledge the Receipt of the said Monies, without Fee or Reward.

No Fee.

Money paid into the Bank to be from time to time paid into the Exchequer, and kept apart from other

XXXV. And be it further enacted, That all and every Sum and Sums of Money which shall be paid into the Bank of *England*, under or by virtue of the said recited Acts or any of them and this Act, shall from time to time be paid into the Receipt of His Majesty's Exchequer at *Westminster* in the manner provided by the said recited Acts or some or one of them, and there shall in like manner

manner be provided and kept in the Office of the Auditor of the Receipt of the said Exchequer a Book or Books in which all the Monies paid into the said Receipt by virtue of the said recited Acts or any of them, and this Act, shall be entered separate and apart from all other Monies paid into the said Receipt upon any other Account whatever; and that all the Monies so paid into the said Receipt by virtue of the said recited Acts or any of them, and this Act, shall be subject and liable to the Uses and Purposes hereinafter mentioned; (that is to say,) in the first Place, for paying off and discharging all the Exchequer Bills to be made out by virtue of the said recited Acts or any of them, and this Act, with such Interest as shall be payable thereon, at the respective Days and Times, and in the Order and Course in which the same are hereby directed to be discharged; and all such Exchequer Bills and Interest thereon as aforesaid shall be and are hereby charged and chargeable upon and shall be repaid and borne by and out of the first Monies that shall arise in the Receipt of His Majesty's Exchequer accordingly; and after paying off and discharging the same, in the next Place, to pay off all the Charges and Expences which shall be incurred by the said Commissioners, and to make good all such Sums as have been issued to the said Commissioners out of the Public Monies, towards the said Charges and Expences, in pursuance of the Orders of the said Commissioners of His Majesty's Treasury or any Three of them, or the said Lord High Treasurer for the time being, according to the Directions of the said recited Acts and this Act, and also to pay and satisfy all Charges and Expences incident to or attending the making out such Exchequer Bills; and if any Surplus shall remain of the Monies paid into the said Receipt by virtue of the said recited Acts and this Act, upon satisfying the several Sums hereby charged thereon as aforesaid, such Surplus shall be reserved for the Disposition of Parliament.

Monies, and to be subject to the Uses herein specified.

Surplus reserved.

XXXVI. Provided always, and be it further enacted, That whatever Monies shall be so issued out of the Consolidated Fund, shall from time to time be replaced by and out of the First Supplies to be thereafter granted in Parliament; any thing herein contained to the contrary notwithstanding: Provided also, that whatever Monies shall be afterwards paid by the Bank of *England* into the said Receipt, in pursuance of the said recited Acts and this Act, shall be applied towards replacing the Monies before issued of the said Aids or Supplies or out of the said Consolidated Fund, as the case may be; any thing herein contained to the contrary notwithstanding.

Money issued out of Consolidated Fund, to be replaced out of the First Supplies.

XXXVII. And be it further enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, at the Receipt of the Exchequer of *Great Britain*, upon the Credit of the Exchequer Bills issued under the said recited Acts or any of them, or this Act, any Sum or Sums of Money not exceeding in the Whole the Sum of Two Millions; any thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale and other Liquors,*

Bank may advance Money on the Credit of this Act.

5 & 6 W. & M. c. 20.

and for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, to the contrary thereof in any wise notwithstanding.

Commissioners to lay Proceedings before Parliament.

XXXVIII. And be it further enacted, That the said Commissioners for the Execution of this Act, from time to time, at their Discretion and as soon as possible after the Determination of all Proceedings under the said recited Acts and this Act, shall lay an Account or Accounts of their Proceedings in Writing before both Houses of Parliament.

Mode of appointing new Commissioners in the Place of those dying or declining to act.

XXXIX. And be it further enacted, That if any of the said Commissioners for the Execution of the said recited Acts and this Act shall decline to act in the Execution of the Powers and Trusts of the said recited Acts and this Act, or having begun to act shall decline to act further therein, or shall depart this Life during the Continuance of this Act, it shall be lawful for the remaining Commissioners or the major part of them, by any Writing under their Hands and Seals, to constitute and appoint such Person or Persons to be a Commissioner or Commissioners in the Place of the Commissioner or Commissioners so refusing to act or declining further to act or so dying as aforesaid, as the said remaining Commissioners or the major part of them shall think fit, and so often as such Case shall happen; and the Person or Persons so constituted and appointed by the said remaining Commissioners or the major part of them, having first qualified to act by taking the Oath hereinbefore provided, (and which Oath any Two of the remaining Commissioners are hereby authorized and required to administer) shall be invested with the same Powers and Authorities as are given or delegated by the said recited Acts and this Act to the Commissioners named and constituted by this Act.

Interest on former Loans reduced from 5 to 4 per Cent. per Annum on certain Conditions.

'XL. And Whereas in all Cases in which Loans have been advanced by the said Commissioners under the said recited Acts or any of them, the Repayment thereof has been stipulated for, with Interest at the Rate of Five Pounds *per Centum per Annum*: And Whereas it may be expedient to reduce that Rate of Interest to the Rate of Four Pounds *per Centum per Annum*, (being the Rate directed to be taken on all Loans advanced from and after the passing and under the Authority of this Act) upon the Terms and subject to the Conditions hereafter mentioned;' Be it therefore further enacted, That any Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors to whom any Loan or Loans have been advanced under the Provisions of the said recited Acts or any of them, repayable with Interest at the Rate of Five Pounds *per Centum per Annum*, and who shall pay or cause to be paid all Arrears of Principal and Interest which may have accrued due on the Loan or Loans advanced to them respectively, according to the Provisions of the several Securities or Conditions of Extension entered into by them respectively on the Day of Payment named in their respective Securities or Conditions of Extension, and which may follow next after the passing of this Act, or on any subsequent

Day of Payment named in such Securities or Conditions of Extension respectively, shall, from and after the Payment of such Arrears of Principal and Interest, be entitled to receive a Certificate under the Hands of any Three or more of the said Commissioners, and which the said Commissioners are hereby authorized and empowered to grant, certifying such Payment, and which Certificate shall bear Date on the Day of such Payment, and shall be in such Form as the said Commissioners may direct; and from and after the Date of such Certificate and by virtue thereof, the Parties or Persons receiving the same shall be chargeable only, except as hereinafter mentioned, with Interest at the Rate of Four Pounds *per Centum per Annum* on the Loan or Loans advanced to them respectively, or such Part thereof as may remain unpaid; and shall on the future Payment of Interest at the Rate of Four Pounds *per Centum per Annum*, except as aforesaid, on such Loan or Loans or the Part thereof remaining unpaid as aforesaid, be entitled to receive such and the like Acquittances and Discharges in all respects as if such Parties or Persons respectively had continued to pay Interest at the Rate of Five Pounds *per Centum per Annum*, according to the Provisions of their several Securities and the said recited Acts; any thing contained in the Securities given by the said Parties or Persons respectively to the said Commissioners under the said recited Acts or any of them, or any thing in the said recited Acts or any of them, or this Act contained, except as aforesaid, to the contrary in any wise notwithstanding.

In case of Default in repaying any Loan, the same may be recovered with 5l. per Cent. Interest.

XLI. Provided nevertheless, and be it further enacted, That in all cases in which any Parties or Persons who may obtain a Reduction of the Rate of Interest now payable by them respectively in manner aforesaid shall, after such Reduction made, and such Certificate granted as last aforesaid, make Default in all or any of the Instalments which may thenceforth become due on their respective Loans, so as to render it necessary for the said Commissioners to put in force any of the Provisions made by the said recited Acts, or any of them, or this Act, for the Recovery and Receipt of any Loans or Advances made in pursuance thereof, that then and in every such Case it shall be lawful for the said Commissioners for the Execution of the said recited Acts and this Act, and they are hereby required, to proceed against the Parties or Persons respectively so making such Defaults in the manner provided by the said recited Acts and this Act, for the Whole or any Part of the Loan due from them respectively, together with Interest at the Rate of Five Pounds *per Centum per Annum* from the happening of such Default, in such and the like manner, in all respects, as if no such Certificate had been granted as last aforesaid, and this Act had not been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

Loans may be repaid either in Whole or in Part, or by larger Instalments, and in shorter Periods, than before mentioned.

XLII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the said Commissioners from requiring any Loan or Loans, or any Sum or Sums of Money remaining due thereon, to be paid by any such Instalments, and in any such Proportions, and at any such Time or Times as to such Commissioners shall seem fitting and convenient, such Instalments or Payments not being in less

Proportions than will be sufficient to repay the Loan or Loans advanced within the Period of Twenty Years from the Date of the Advance; and that nothing in this Act contained shall extend or be construed to extend to prevent Payment of the Whole or any Part of the Principal and Interest due on any such Loan at any Time whatever by any Party or Person to whom such Loan shall have been lent and advanced, or his or their Surety or Sureties; but that it shall and may be lawful for the said Commissioners to require any such Loan to be paid by any such Instalments as aforesaid, and for any Party or Parties, or his or their Surety or Sureties, to make Payment of the Whole or any Part of the Principal and Interest of any such Loan previous to the Time when the same, or any Instalment thereof, shall become due and payable under the Provisions of the said recited Acts and this Act; any thing in the said recited Acts or this Act to the contrary thereof in any wise notwithstanding.

'XLIII. And Whereas under the Provisions of the said recited Acts divers Loans and Advances in Exchequer Bills have been made by the said Commissioners to sundry Persons, upon Personal Security, and which Loans or Advances became payable before or on the Twenty fifth Day of *September* One thousand eight hundred and twenty, according to the Provisions and Directions in the said recited Acts contained: And Whereas by the said recited Act of the First Year of His present Majesty King *George* the Fourth, the said Commissioners for the Execution of the said Two first recited Acts were empowered to extend the Time for Repayment of any such Loans or Advances in certain Cases in the manner therein mentioned: And Whereas in pursuance of such Powers the said Commissioners have extended the Time of Payment in sundry Cases, upon the Terms and subject to the Regulations specified in the said Act of the First Year of His said present Majesty, whereby the Parties to whom such Extension of Time has been granted are now bound and obliged to repay their respective Loans, with Interest, by Eight Half yearly Instalments, the First of which became due on the Twenty fifth Day of *March*, in this present Year One thousand eight hundred and twenty two: And Whereas it may be expedient that the Commissioners for the Execution of the said recited Acts and this Act should have Authority to grant a further Extension of Time for the Repayment of the said Loans, in the Manner and upon the Conditions hereinafter mentioned;' Be it therefore further enacted, That it shall be lawful for the said Commissioners for the Execution of the said recited Acts and this Act, on the Application of any Person or Persons to whom an Extension of Time has been granted, or who may be entitled to such Extension as aforesaid, to grant to such Person or Persons a further Extension of Time as hereinafter specified, but subject nevertheless to the Payment of Interest at the Rate of Five Pounds *per Centum per Annum*, being the Rate of Interest now payable by the said Parties respectively, according to the Obligations respectively entered into by them upon the Consent of the Surety or Sureties of the said Parties respectively, to be given as after mentioned, and upon the existing Securities granted or given by them respectively, or such other and new Security or Securities,

1 G. 4. c. 60. § 6.

In certain Cases Commissioners may enlarge the Time of Repayment of Loans, under recited Acts, on Application of Parties; and may continue old Securities or require new, as they think necessary;

Securities, or other and new Surety or Sureties, either for the Whole of any such Loan or for any Part thereof remaining due, or for any separate and distinct Part or Parts of any such Loan, or of the Part thereof remaining due upon new and separate and distinct Security or Securities, either with the former Sureties or separate and new Sureties for each separate and distinct Part of any such Loan in lieu of any former Security or Securities, or Surety or Sureties as to them the said Commissioners shall seem proper and necessary; and it shall and may be lawful for the said Commissioners, and they are hereby authorized to require any new Security or Securities, or Surety or Sureties, whenever they shall think the same necessary, and to cancel, annul or continue any former Obligation or Obligations, or Security or Securities, and to separate and divide any such Loan or Loans, or any Part thereof remaining due, and to grant such Enlargement and Extension of Time for each Part separately of any Loan or Part thereof so divided under this Act, and to require and take separate and distinct Securities for any such divided Part of such Loan; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, if they shall think necessary so to do, to require the Appearance of any Party or Parties in any such Loan, and to proceed to examine into and determine the Sufficiency of any such old or new Security or Securities, or Surety or Sureties, in like manner in every respect as the Commissioners for the Execution of the said recited Acts are empowered by the said recited Acts, or any of them, to do with respect to any Security or Securities, or Surety or Sureties, to be proposed and given previous to the Advance or Issue of any Exchequer Bills under the said recited Acts, or any of them.

and require the appearance of Parties.

XLIV. And be it further enacted, That all and every Persons and Person remaining liable as Sureties or Surety for the Repayment of any Loan or Advance, or any Part thereof, granted under the Provisions of the said recited Acts or any of them, and who shall be willing to remain Sureties or Surety for the Repayment of such Loan or Advance, or of any Part or Proportion thereof, if separated and divided under this Act as aforesaid, at such enlarged or extended Time as shall be granted under this Act, shall signify their or his Consent to remain such Sureties or Surety, by subscribing their or his Names or Name to a Writing, to be left with the Secretary of the said Commissioners, in such Form as the said Commissioners may from time to time direct or approve; and every such Consent so subscribed and delivered shall be binding upon the respective Sureties or Surety so signifying the same, their, his or her Heirs, Executors or Administrators, in like manner as such respective Sureties or Surety were or was by the original Bonds or Bond, entered into by them or him, bound for the Repayment of such Loan or Advance, at the Times thereby limited for the Repayment thereof.

Sureties for Repayment of Loans, consenting to Extension of Time, are to do so in such Form as Commissioners may appoint.

XLV. And be it further enacted, That from and after the signing of such Consent by such Sureties, and the Deposit of such new or further Security or Securities, Surety or Sureties (where any such shall be required by the said Commissioners), it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to grant and allow, in manner hereinafter

Extended Loans to be repaid by yearly Instalments with Interest within the Periods, and at the

Rate herein mentioned.

inafter mentioned, to such Parties respectively, such Enlargement or Extension of Time for the Repayment of their respective Loans as after mentioned, regard being had by the said Commissioners as well to the Merits of the Case of the Party applying for such Extension as to the Sufficiency of the Security or Securities, Surety or Sureties, tendered by him or them, and so that the said Loan be made payable by yearly Instalments, in Proportions not less and at Periods not longer than hereinafter particularly mentioned; that is to say, that an Instalment of not less than One eighth Part of every such Loan, or of the Sum remaining due thereon at the Time of such Extension, with Interest on the whole Amount of such Loan or Sum so remaining due, at the Rate of Five Pounds *per Centum per Annum*, from the Twenty fifth Day of *September* One thousand eight hundred and twenty two, up to and until the Day of Payment of such Instalment, shall be made payable on or before the Twenty fifth Day of *September* One thousand eight hundred and twenty three; One other Instalment of not less than One eighth Part of every such Loan or Sum, with the like Interest on the Sum remaining due from the said Twenty fifth Day of *September* One thousand eight hundred and twenty three, up to and until the Day of Payment of such Instalment, shall be made payable on or before the Twenty fifth Day of *September* One thousand eight hundred and twenty four; One other Instalment of not less than One eighth Part of any such Loan or Sum, with like Interest on the Sum remaining due from the said Twenty fifth Day of *September* One thousand eight hundred and twenty four, up to and until the Day of Payment of such Instalment, shall be made payable on or before the Twenty fifth Day of *September* One thousand eight hundred and twenty five; One other Instalment of not less than One eighth Part of every such Loan or Sum, with like Interest on the Sum remaining due from the said Twenty fifth Day of *September* One thousand eight hundred and twenty five, up to and until the Day of Payment of such Instalment, shall be made payable on or before the Twenty fifth Day of *September* One thousand eight hundred and twenty six; One other Instalment of not less than One eighth Part of every such Loan or Sum, with the like Interest on the Sum remaining due from the said Twenty fifth Day of *September* One thousand eight hundred and twenty six, up to and until the Day of Payment of such Instalment, shall be made payable on or before the Twenty fifth Day of *September* One thousand eight hundred and twenty seven; One other Instalment of not less than One eighth Part of every such Loan or Sum, with the like Interest on the Sum remaining due from the said Twenty fifth Day of *September* One thousand eight hundred and twenty seven, up to and until the Day of Payment of such Instalment, shall be payable on or before the Twenty fifth Day of *September* One thousand eight hundred and twenty eight; One other Instalment of not less than One eighth Part of every such Loan or Sum, with the like Interest on the Sum remaining due from the said Twenty fifth Day of *September* One thousand eight hundred and twenty eight up to and until the Day of Payment of such Instalment, shall be payable on or before the Twenty fifth Day of *September* One thousand eight hundred and twenty nine;

nine; and the last or remaining Instalment of every such Loan or Sum, with the like Interest on the Sum remaining due from the said Twenty fifth Day of *September* One thousand eight hundred and twenty nine, up to and until the Day of Payment of such last Instalment, shall be made payable on or before the Twenty fifth Day of *September* One thousand eight hundred and thirty: Provided nevertheless, that before any Person or Persons shall be entitled to apply for such further Extension of Time as aforesaid, he or they shall, before or on the Twenty fifth Day of *September* One thousand eight hundred and twenty two, pay or cause to be paid all Arrears of Principal and Interest due on his or their said Loan or Loans, up to and until the said Twenty fifth Day of *September* One thousand eight hundred and twenty two, and in Default thereof shall be absolutely precluded from the Benefit of such last mentioned Extension.

Arrears to be paid before Application for Extension of Time.

XLVI. And be it further enacted, That the several Parties to whom respectively the said Commissioners shall allow such further Enlargement or Extension of the Time and Payment of any such Loan as aforesaid, shall not be deemed or taken to have made Default in Payment of any such Loan, at the Time required by the said recited Acts or any of them, nor shall any Process, Suit or other Proceeding be issued, commenced or had, nor shall any Warrant for the same be granted against the said Parties respectively, or their Sureties or Surety, their or any of their Heirs, Executors or Administrators, or upon or in respect of any Securities or Security made, assigned or deposited for the Purposes in the said Acts or any of them mentioned, or otherwise, in order to recover or compel the Repayment of any such Loan, or any Part thereof, until Default shall be made in the Payment of any of the several Instalments aforesaid, at the respective Days and Times when the same shall be made payable pursuant to this Act, in manner aforesaid.

Extension of Time not deemed a Default in Payment.

XLVII. And be it further enacted, That so soon as the whole Sum of Two Millions, authorized to be issued and applied under the said recited Acts and this Act, shall have been advanced and lent by the said Commisioners for the Execution of the said recited Acts and this Act, or whenever the Sums so lent and advanced by the said Commissioners shall amount to any Sum within Five thousand Pounds of the full Amount of the said Sum of Two Millions, or whenever the said Commissioners of His Majesty's Treasury shall think fit that the Powers of the said Commissioners for the Execution of the said recited Acts and this Act should cease and determine, it shall and may be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby authorized and empowered, to direct the said Commissioners for the Execution of the said recited Acts and this Act, or any Three or more of them, of whom the Chairman or Deputy Chairman for the time being shall be One, and the said Commissioners for the Execution of the said recited Acts and this Act are hereby authorized and empowered and required to publish and declare, by Advertisements to be inserted in the *London Gazette*, and such of the Daily Papers as the said Commissioners of His Majesty's Treasury may appoint, that at the Expiration of Six Calendar Months from the Date of the

Notice when Powers of Commissioners cease to be given in the London Gazette, and such of the Daily Papers as Treasury shall appoint.

the said Advertisements respectively, the said Commissioners for the Execution of the said recited Acts and this Act will cease to execute and perform the Powers and Authorities vested in them by the said recited Acts and this Act, and all the Powers and Authorities of the said Commissioners for the Execution of the said recited Acts and this Act shall cease and determine accordingly; and thereupon the said Commissioners shall, with all convenient Speed, lay an Account in Writing of all their Proceedings under the said recited Acts and this Act before both Houses of Parliament, and also shall and will deliver, or cause to be delivered up to the said Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, or to such Person or Persons as the said Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, in Writing under their Hands, shall nominate and appoint, all and every the Bonds, Mortgages, Deeds, Books of Account, Papers and Writings, of what Nature or Kind soever, in the Possession or under the Controul of the said Commissioners for the Execution of the said recited Acts and this Act, or any of their Officers, touching or relating to any Security or Securities whatsoever taken by them the said Commissioners for any Loan or Loans advanced by them under the Powers and Authorities of the said recited Acts, or any of them, and this Act, together with the Minutes of the Proceedings of them the said Commissioners, and all Books, Papers and Writings in any manner relating thereto.

Commissioners thereupon to lay an Account of their Proceedings before Parliament.

On Termination of Commission the Powers vested in the Secretary to vest in such Person as Treasury shall appoint; and all Loans remaining unpaid, recovered by him.

XLVIII. And be it further enacted, That on the Termination of the said Commission in manner aforesaid, any Interest which may then be vested in the Secretary of the said Commissioners for the Time being, for the Execution of the said recited Acts and this Act, shall from thenceforth, by force of this Act, and without any Act or Deed whatsoever to be done by such Secretary, vest in the Person or Persons to be appointed as aforesaid by the said Commissioners of His Majesty's Treasury, or any Three or more of them, in such manner and to such Extent as the said Commissioners of His Majesty's Treasury, or any Three or more of them, shall in Writing direct and appoint, whether such Person or Persons so to be appointed shall be or include the then Secretary of the said Commissioners for the time being or otherwise; and the Person or Persons so to be appointed shall and may and is and are hereby authorized to proceed for the Recovery of such Interest as may become vested in him or them as last aforesaid, by any Action or Suit in Law or Equity, or in any other manner as the same might have been proceeded upon by or in the Name of such last mentioned Secretary of the said Commissioners; and that the Person or Persons so to be appointed shall have and possess such and the like Powers and Authorities for the Recovery and Receipt of all and every the Loans advanced under the said recited Acts and this Act, or such Parts thereof as shall then remain due and unpaid, as under the said recited Acts and this Act are vested in the said Commissioners and their Secretary for the time being; but subject, nevertheless, to such Orders and Instructions in Writing as the said Commissioners of His Majesty's Treasury, or any Three or more of them, shall from time to time think fit to give and direct.

Subject to Directions of Treasury.

XLIX. And

Acquittance by such Person on Receipt of Loans valid.

XLIX. And be it further enacted, That from and after the Termination of the Powers of the said Commissioners for the Execution of the said recited Acts and this Act in manner aforesaid, it shall and may be lawful for the said Commissioners of His Majesty's Treasury, or for the Person or Persons to be appointed by them as aforesaid, to grant such Certificate in respect to the Receipt of any Loans and Interest remaining due and unpaid, or any Part thereof, or to use and give such other Form of Acquittance and Discharge as the Commissioners of His Majesty's Treasury, or any Three or more of them, shall in Writing direct or appoint; and such Certificate or other Form of Acquittance so to be given under the Direction of the said Commissioners of His Majesty's Treasury, shall be valid and effectual Acquittance and Discharge to all Intents and Purposes whatsoever.

Commissioners may receive and send Letters free of Postage.

L. And be it further enacted, That the said Commissioners for the Execution of the said recited Acts and this Act shall and may receive and send all their Letters and Packets free from the Duty of Postage, in such and the like manner in all respects as the Commissioners for the Execution of the said recited Acts are authorized and empowered to receive and send their Letters and Packets free of the Duty of Postage, under the Provisions of the said recited Acts, or any of them.

Commissioners may sue and be sued in the Name of their Secretary.

LI. And be it further enacted, That it shall and may be lawful for the said Commissioners, under and by virtue of the said recited Acts and this Act, in every Case in which it may become necessary, to sue and be sued in the Name of their Secretary for the time being; and that no Action or Suit in Law or Equity, to be brought or commenced by or against the said Commissioners on account of the said recited Acts or this Act, in the Name of the Secretary for the time being, shall abate or be discontinued by the Death or Removal of such Secretary, or by the Act of such Secretary, without the Consent of the said Commissioners, but the Secretary to the said Commissioners for the time being shall always be deemed the Plaintiff or Defendant in such Action or Suit, as the Case may be; and no Action or Suit shall be brought against the said Commissioners collectively or individually, or against their Secretary, except in His Majesty's Court of Exchequer in *England* or *Scotland* respectively, and with the Leave of such Courts respectively first had and obtained, and upon such Terms and Conditions as the said Courts shall direct.

To be sued only in Court of Exchequer.

No Bond, Receipt or other Instrument under this Act liable to Stamp Duty.

LII. And be it further enacted, That no Bond to His Majesty, or any Heritable Security or Securities, nor any Assignment of any Heritable Security or Securities, nor any Mortgage, Surrender, Assignment or other Instrument or Assurance whatsoever, taken or to be taken under the said recited Acts or this Act, nor any Certificate, Deed of Extension, Examination, Affidavit, Deposition or Receipt, nor any Consent by any Surety or Sureties to any Extension of Time granted, or which may be granted by the said Commissioners for the Payment of any Loan under the Authority of the said recited Acts or this Act, nor any Receipt or other written Document whatsoever used for the Purpose of carrying the Provisions of the said recited Acts and this Act into Execution, shall be liable to any Stamp Duty whatsoever; any thing in the said recited Acts or this Act, or the Acts for the enforcing or regulating

the said Advertisements respectively, the said Commissioners for the Execution of the said recited Acts and this Act will cease to execute and perform the Powers and Authorities vested in them by the said recited Acts and this Act, and all the Powers and Authorities of the said Commissioners for the Execution of the said recited Acts and this Act shall cease and determine accordingly; and thereupon the said Commissioners shall, with all convenient Speed, lay an Account in Writing of all their Proceedings under the said recited Acts and this Act before both Houses of Parliament, and also shall and will deliver, or cause to be delivered up to the said Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, or to such Person or Persons as the said Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, in Writing under their Hands, shall nominate and appoint, all and every the Bonds, Mortgages, Deeds, Books of Account, Papers and Writings, of what Nature or Kind soever, in the Possession or under the Controul of the said Commissioners for the Execution of the said recited Acts and this Act, or any of their Officers, touching or relating to any Security or Securities whatsoever taken by them the said Commissioners for any Loan or Loans advanced by them under the Powers and Authorities of the said recited Acts, or any of them, and this Act, together with the Minutes of the Proceedings of them the said Commissioners, and all Books, Papers and Writings in any manner relating thereto.

Commissioners thereupon to lay an Account of their Proceedings before Parliament.

On Termination of Commission the Powers vested in the Secretary to vest in such Person as Treasury shall appoint; and all Loans remaining unpaid, recovered by him.

XLVIII. And be it further enacted, That on the Termination of the said Commission in manner aforesaid, any Interest which may then be vested in the Secretary of the said Commissioners for the Time being, for the Execution of the said recited Acts and this Act, shall from thenceforth, by force of this Act, and without any Act or Deed whatsoever to be done by such Secretary, vest in the Person or Persons to be appointed as aforesaid by the said Commissioners of His Majesty's Treasury, or any Three or more of them, in such manner and to such Extent as the said Commissioners of His Majesty's Treasury, or any Three or more of them, shall in Writing direct and appoint, whether such Person or Persons so to be appointed shall be or include the then Secretary of the said Commissioners for the time being or otherwise; and the Person or Persons so to be appointed shall and may and is and are hereby authorized to proceed for the Recovery of such Interest as may become vested in him or them as last aforesaid, by any Action or Suit in Law or Equity, or in any other manner as the same might have been proceeded upon by or in the Name of such last mentioned Secretary of the said Commissioners; and that the Person or Persons so to be appointed shall have and possess such and the like Powers and Authorities for the Recovery and Receipt of all and every the Loans advanced under the said recited Acts and this Act, or such Parts thereof as shall then remain due and unpaid, as under the said recited Acts and this Act are vested in the said Commissioners and their Secretary for the time being; but subject, nevertheless, to such Orders and Instructions in Writing as the said Commissioners of His Majesty's Treasury, or any Three or more of them, shall from time to time think fit to give and direct.

Subject to Directions of Treasury.

XLIX. And

Acquittance by such Person on Receipt of Loans valid.

XLIX. And be it further enacted, That from and after the Termination of the Powers of the said Commissioners for the Execution of the said recited Acts and this Act in manner aforesaid, it shall and may be lawful for the said Commissioners of His Majesty's Treasury, or for the Person or Persons to be appointed by them as aforesaid, to grant such Certificate in respect to the Receipt of any Loans and Interest remaining due and unpaid, or any Part thereof, or to use and give such other Form of Acquittance and Discharge as the Commissioners of His Majesty's Treasury, or any Three or more of them, shall in Writing direct or appoint; and such Certificate or other Form of Acquittance so to be given under the Direction of the said Commissioners of His Majesty's Treasury, shall be valid and effectual Acquittance and Discharge to all Intents and Purposes whatsoever.

Commissioners may receive and send Letters free of Postage.

L. And be it further enacted, That the said Commissioners for the Execution of the said recited Acts and this Act shall and may receive and send all their Letters and Packets free from the Duty of Postage, in such and the like manner in all respects as the Commissioners for the Execution of the said recited Acts are authorized and empowered to receive and send their Letters and Packets free of the Duty of Postage, under the Provisions of the said recited Acts, or any of them.

Commissioners may sue and be sued in the Name of their Secretary.

LI. And be it further enacted, That it shall and may be lawful for the said Commissioners, under and by virtue of the said recited Acts and this Act, in every Case in which it may become necessary, to sue and be sued in the Name of their Secretary for the time being; and that no Action or Suit in Law or Equity, to be brought or commenced by or against the said Commissioners on account of the said recited Acts or this Act, in the Name of the Secretary for the time being, shall abate or be discontinued by the Death or Removal of such Secretary, or by the Act of such Secretary, without the Consent of the said Commissioners, but the Secretary to the said Commissioners for the time being shall always be deemed the Plaintiff or Defendant in such Action or Suit, as the Case may be; and no Action or Suit shall be brought against the said Commissioners collectively or individually, or against their Secretary, except in His Majesty's Court of Exchequer in *England* or *Scotland* respectively, and with the Leave of such Courts respectively first had and obtained, and upon such Terms and Conditions as the said Courts shall direct.

To be sued only in Court of Exchequer.

No Bond, Receipt or other Instrument under this Act liable to Stamp Duty.

LII. And be it further enacted, That no Bond to His Majesty, or any Heritable Security or Securities, nor any Assignment of any Heritable Security or Securities, nor any Mortgage, Surrender, Assignment or other Instrument or Assurance whatsoever, taken or to be taken under the said recited Acts or this Act, nor any Certificate, Deed of Extension, Examination, Affidavit, Deposition or Receipt, nor any Consent by any Surety or Sureties to any Extension of Time granted, or which may be granted by the said Commissioners for the Payment of any Loan under the Authority of the said recited Acts or this Act, nor any Receipt or other written Document whatsoever used for the Purpose of carrying the Provisions of the said recited Acts and this Act into Execution, shall be liable to any Stamp Duty whatsoever; any thing in the said recited Acts or this Act, or the Acts for the enforcing or regulating

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ing Stamp Duties in *Great Britain*, to the contrary in any wise notwithstanding.

Limitation of Actions.

LIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done by virtue or in pursuance of the said recited Acts and this Act, until Fourteen Days' Notice thereof in Writing shall have been given to the Secretary for the time being of the said Commissioners, nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and such Action shall be brought in the said Courts of Exchequer in *England* or *Scotland*, and shall be laid in the County of *Middlesex* or City of *Edinburgh* respectively, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said recited Acts or this Act, or some or one of them; and if the same shall appear to be so done, if such Action or Suit shall be brought after the Time hereinbefore limited for bringing the same, or shall be brought without Fourteen Days' Notice thereof, or shall be brought in any other County or Place, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for the Costs of Suit in any other Cases by Law.

Where brought.

General Issue.

Treble Costs.

Counterfeiting Certificates, &c. Felony.

LIV. And be it further enacted, That if any Person or Persons shall forge, counterfeit or alter, or cause or procure to be forged, counterfeited or altered or knowingly or wilfully act or assist in the forging, counterfeiting or altering any Certificate or Certificates of the Commissioners for the Execution of the said recited Acts and this Act, or any of them, or any Receipt or Receipts to be given by the Cashier or Cashiers of the Bank of *England*, in pursuance of the said recited Acts or this Act, or shall wilfully deliver any such forged, counterfeited or altered Certificate or Receipt to the Auditor of the Receipt of His Majesty's Exchequer in *Great Britain*, or to any Officer appointed by him, or to the Commissioners for the Execution of this Act, or any of them, or to any Officer or Officers appointed by them, or any of them, in the Execution of the Powers of the said recited Acts or of this Act, or shall utter any such forged, counterfeited or altered Certificate or Certificates, Receipt or Receipts, knowing the same to be forged, counterfeited or altered, with Intent to defraud His Majesty, His Heirs or Successors, or any Body or Bodies Politic or Corporate, or any Person whomsoever, then and in every such Case all and every Person or Persons so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Death.

53 G.3. c.121. § 1.

'LV. And Whereas by an Act passed in the Fifty third Year 'of the Reign of His late Majesty, intituled *An Act for making 'a more convenient Communication from* Mary-le-bone Park, *and*

'*the*

'*the Northern Parts of the Metropolis, in the Parish of* St. Mary-
'le-bone, *to* Charing Cross, *within the Liberty of* Westminster, *and*
'*for making a more convenient Sewage for the same*, it was enacted,
'that the Commissioners for the time being of His Majesty's
'Woods, Forests and Land Revenues should be, and they were
'thereby appointed Commissioners for carrying the Purposes of
'the said Act into Execution, and they were thereby empowered
'to borrow and take up at Interest, from time to time, such Sum § 44. & 80.
'or Sums of Money, to enable them to carry the several Purposes
'of the said Act into Execution, as they should judge necessary,
'not exceeding the Two several Sums of Five hundred thousand
'Pounds, and One hundred thousand Pounds: And Whereas by 54 G.3. c.70.
'an Act passed in the Fifty fourth Year of the Reign of His said § 28.
'late Majesty, intituled *An Act for the further Improvement of*
'*the Land Revenue of the Crown*, it was enacted, that it should
'be lawful to and for the Commissioners for executing the said
'Act of the Fifty third Year of the Reign of His said late Majesty,
'by and with the Approbation of the Lord High Treasurer, or the
'Commissioners for executing the Office of Lord High Treasurer
'for the time being, or any Three or more of them, to borrow and
'take up at Interest such Sum or Sums of Money as they the
'said Commissioners for executing the said recited Act of the
'Fifty third Year aforesaid, with such Approbation as aforesaid,
'should judge necessary for the Purposes of the said Act, not ex-
'ceeding what should then remain to be raised of the said Two
'Sums of Five hundred thousand Pounds and One hundred thou-
'sand Pounds, by any Loan or Loans upon the Credit of the
'Land Revenues of the Crown; and it was thereby further en- § 29.
'acted, that it should be lawful for any Person or Persons, Bodies
'Politic or Corporate, or Companies, (other than and except the
'Governor and Company of the Bank of *England*, the Governor
'and Company of Merchants of *Great Britain* trading to the *South*
'*Seas* and other Parts of *America*, and the United Company of
'Merchants of *England* trading to the *East Indies*,) to advance or
'lend any Sum or Sums of Money, or any Part or Parts of the
'Capital or other Monies or Funds of or belonging to such Person
'or Persons, Bodies Politic or Corporate, or Companies, not ex-
'ceeding what should then remain to be raised of the said Two
'Sums of Five hundred thousand Pounds and One hundred thou-
'sand Pounds, to the said Commissioners for executing the said
'last mentioned Act, upon the Credit of the said Land Revenues
'of the Crown, so as that all such Loans should be made by and
'with the Approbation of the said Lord High Treasurer, or the
'Commissioners for executing the Office of Lord High Treasurer
'for the time being, or any Three or more of them, who was or
'were thereby authorized to issue his or their Warrant or War-
'rants for that Purpose: And Whereas after the passing of the
'said last recited Act, the said Commissioners for carrying the said
'recited Act of the Fifty third Year of the Reign of His said late
'Majesty into Execution did borrow of the Corporation of the
'*Royal Exchange* Assurance the Sum of Three hundred thousand
'Pounds, repayable with Interest at and after the Rate of Five
'Pounds *per Centum per Annum*, in part of the said several Sums
'of Five hundred thousand Pounds and One hundred thousand

'Pounds,

'Pounds, and upon the Credit of the said Land Revenues: And 'Whereas the said Sum of Three hundred thousand Pounds, with 'Interest as aforesaid, still remains due on the Credit of the said 'Land Revenues: And Whereas it is expedient that the Commis-'sioners for the Execution of the first recited Acts and this Act 'should be authorized to advance unto the Commissioners of the 'said recited Act of the Fifty third Year of the Reign of His late 'Majesty, any Sum or Sums of Money in Exchequer Bills, not 'exceeding in the Whole the Sum of Three hundred thousand 'Pounds, repayable with Interest at and after the Rate of Four 'Pounds *per Centum per Annum*, for the Purpose of being applied 'in the Repayment of the said Sum of Three hundred thousand 'Pounds so borrowed from the Corporation of the *Royal Exchange* 'Assurance as aforesaid;' Be it therefore enacted, That it shall and may be lawful to and for the said Commissioners for the Execution of the said first recited Acts and this Act, and they are hereby authorized and required, on Application being made to them by the said Commissioners for executing the said recited Act of the Fifty third Year of the Reign of His late Majesty King *George* the Third, to advance to them the said last mentioned Commissioners, or as they may direct or appoint, any Sum or Sums of Money in Exchequer Bills, not exceeding in the Whole the Sum of Three hundred thousand Pounds, upon the Terms and Conditions hereinafter mentioned.

Commissioners authorized to advance to Commissioners under 53 G.3. c.121. any Sum not exceeding 300,000l.

LVI. And be it further enacted, That upon the said Commissioners for the Execution of the said first recited Acts and this Act making such Advance to the said Commissioners for executing the said recited Act of the Fifty third Year of the Reign of His late Majesty King *George* the Third, the said last mentioned Commissioners, or a Quorum of them, shall execute and deliver to the said Commissioners for the Execution of the said first recited Acts and this Act an Instrument in Writing, in such Form as the said Commissioners for the Execution of the said first recited Acts and this Act shall direct, acknowledging the Receipt of the said Exchequer Bills, and charging the Land Revenues of the Crown (which they are hereby authorized and empowered to do) with the Repayment of the Amount of such Exchequer Bills, with Interest at and after the Rate of Four Pounds *per Centum per Annum*, by an Appropriation out of such Revenues of the annual Sum of Twenty five thousand Pounds, to be applied, in the first Place, in discharge of the Interest, at the Rate last aforesaid, on the Amount of the Exchequer Bills so to be advanced as aforesaid, or of so much thereof as shall for the time being remain due and unpaid; and in the next Place, in discharge of the Principal Sums of the said Exchequer Bills, until the whole Amount of such Exchequer Bills, with Interest at the Rate last aforesaid, shall be fully paid and discharged; any thing contained in the Acts herein recited, or any of them, or this Act, to the contrary thereof notwithstanding; and the Expence of such Instruments so to be executed as aforesaid, and of the Enrolment thereof in the Office of the Auditor of His Majesty's Land Revenues for the County of *Middlesex*, shall be a Charge on the said Commissioners for the Execution of the said recited Act of the Fifty third Year of the Reign of His said late Majesty King *George* the Third, and shall be allowed to them

On such Advance made, Commissioners under 53 G.3. c.121. to make an Instrument in Writing acknowledging their Receipt, and charging same on Land Revenues.

Expences thereof charged on Commissioners under 53 G. 3. c. 121.

them in Account accordingly; and a Minute or Extract thereof shall be entered and preserved in the Office of the said last mentioned Commissioners, and also in a Book to be kept for that Purpose by the Clerk to the said Commissioners; and every such Instrument in Writing, when so given, executed and enrolled as aforesaid, shall be and the same is hereby declared to be conclusive Evidence of the Advance of such Loan in Exchequer Bills, and of the Day or Time of the making such Advance.

Act may be altered, &c. this Session.

LVII. And be it further enacted, That this Act, or any of the Provisions thereof, may be amended, altered or repealed by any Act or Acts to be passed in this Session of Parliament.

CAP. LXXXVII.

An Act to enable His Majesty's Court of Exchequer to sit, and the Lord Chief Baron or any other Baron of the said Court to try *Middlesex* Issues, elsewhere than in the Place where the Court of Exchequer is commonly kept in the County of *Middlesex*. [16th *July* 1822.]

'WHEREAS the Court of Exchequer is about to be rebuilt, 'and it is necessary that Provision should be made to enable the said Court of Exchequer to be held, and the Chief 'Baron of the same Court to sit, elsewhere than in the Place 'where the Court has been commonly kept in the County of *Middlesex*, during the Period of the rebuilding of the said Court:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord Chief Baron of His Majesty's Court of Exchequer, and in his Absence for any Two or more of the other Barons of the same Court, without any other Authority than this Act, from time to time during the rebuilding His said Majesty's Court of Exchequer, and until a new Court shall be made fit and ready for the Dispatch of Business, to order and direct that His Majesty's Court of Exchequer shall be held in any convenient Place within the County of *Middlesex*, specified in any such Order, for the Dispatch of any Business of or in the said Court; and that it shall be lawful for the Lord Chief Baron of the same Court, or any other Baron sitting for him, to try all Issues joined or to be joined in the same Court, wherein the Trials ought to be in the City of *Westminster*, or in the said County of *Middlesex*, in the Place specified in any such Order as aforesaid, and that all Business of or in the said Court may in every such Case be heard, decided and dispatched, and all such Issues may be tried, wherever the said Court shall be so directed to be held, in like Manner and Form, and shall be of the like Force and Effect, as if the said Court had been held during such Periods in the Place where the Court of Exchequer has been commonly kept in the said County of *Middlesex*.

While the new Court of Exchequer is building, Chief Baron, &c. may order Court to sit in any convenient Place in Middlesex, for Dispatch of Business.

† *Sic.* Sheriff, &c. Jurors, Parties and Witnesses, to attend at

II. And be it further enacted, That as well the Sheriff of the said County of *Middlesex* as all other Officers whatsoever, and also all Jurors, Parties, Witnesses or other Persons who may † be required to attend, or who ought to attend † at or for the Dispatch of

Place so appointed on Notice.

of any Business whatsoever of or in the said Court or for the Trial of any such Issue to be so tried as aforesaid, if the same had been heard, dispatched, or tried in the Place where the said Court of Exchequer is commonly kept in the said County of *Middlesex*, shall give his and their Attendance at and for the Trial thereof at the Place where the said Lord Chief Baron, or in his Absence any other Baron of the said Court, shall be sitting for the Trial thereof, upon reasonable Notice to him or them in that Behalf, and shall be subject to such and the same Pains and Penalties for Non-attendance, and entitled to such and the same Fees and Remuneration for his and their Attendance, as if such Business had been heard or dispatched, or such Issue had been actually tried, in the usual Place where the said Court of Exchequer hath been commonly kept as aforesaid; and that all Writs, Process, Notices and other Proceedings (other than and except a Special Notice of the Place of Trial) heretofore issued, made or had, or to be hereafter issued, made or had, in any such Business, or for the Trial of any such Issue according to the Forms now in use, shall be as good and available in the Law, to all Intents and Purposes, as if such Business or such Issue had been actually heard, dispatched or tried in such usual Place as aforesaid; and that all Business and Trials dispatched and heard at any such Place as aforesaid, in virtue of this Act, shall be deemed and taken to have been had, and may in any Record, Process or other Proceeding, and also in any Indictment for Perjury or other Offence committed at or in relation to any such Trial, be alleged and laid to have been had in the usual Place where the said Court of Exchequer hath been commonly kept, in all Respects and to all Purposes as if such Business and Trial had been there actually dispatched and had.

Non-attendance, &c. Penalty.

Proceedings heretofore issued, valid. Exception.

And may in any Record, &c. be alleged to have been had in the usual Place of Sitting.

CAP. LXXXVIII.

An Act to amend the Laws relating to the Land and Assessed Taxes, and to regulate the Appointment of Receivers General in *England* and *Wales*. [29th *July* 1822.]

'WHEREAS it is expedient to amend the Laws relating to the Land Tax and Assessed Taxes, and Compositions for Assessed Taxes, so far as respects the Receipt and Payment of the Monies arising therefrom by the Receivers General in *England* and *Wales*:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Parts of the several Acts relating to the said Taxes and Compositions for Assessed Taxes, or either of them, which allow a Compensation to each Receiver General in *England* and *Wales* by a Pound Rate on the Sums by him respectively paid into the Receipt of His Majesty's Exchequer, or which require the said Receivers General to appoint sufficient Deputies to receive the said Taxes, shall, from and after the Fifth Day of *April* One thousand eight hundred and twenty two, in respect of the Assessments of the said Taxes and the Contracts of Compositions thereafter made, be and the same are hereby repealed.

48 G. 3. c. 55. § 7.
59 G. 3. c. 51. § 18.
43 G. 3. c. 99. § 48.

As to Poundage to Receiver General to cease.

II. And be it further enacted, That every Person who, after the Fifth Day of *April* One thousand eight hundred and twenty two, shall

Receivers and other Persons

shall be appointed by His Majesty, His Heirs or Successors, or by the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the time being, or any Three or more of them, to be Receiver General of the said Taxes, or either or any of them, and any other Taxes or Sums of Money under the Care and Management of the Commissioners for the Affairs of Taxes; and every other Person to be appointed by the said Commissioners of His Majesty's Treasury, to do or perform any Part of the Duty of any such Receiver General; and the several Officers appointed or to be appointed by the said Commissioners of His Majesty's Treasury, now or for the time being, or any Three or more of them, for the Survey and Inspection of any of the said Taxes; and all other Persons appointed or to be appointed by the respective Commissioners acting in the Execution of the said Acts, in the several Counties, Divisions, Cities, Towns, Parishes, Wards and Places within *England* or *Wales*, shall severally and respectively observe and be subject to the Rules and Regulations set forth in this Act, and the Penalties therein contained; which Rules and Regulations shall be deemed a Part of this Act, as if the same had been severally inserted herein under special Enactments.

to be appointed under this Act, to observe the Rules herein mentioned.

No. I.—RULES and Regulations touching the Office of Receiver General.

First.—Every Receiver General to be appointed as aforesaid shall be entitled to such annual Salary, payable Half yearly by equal portions, as the said Commissioners of the Treasury for the time being, or any Three or more of them, shall appoint, not in any case exceeding the Sum of Six hundred Pounds *per Annum*, to be allowed to him out of any Monies in his hands of the said Taxes, by virtue of the Warrant of the Commissioners for the Affairs of Taxes for the time being, or any Two or more of them.

Salary to Receiver General not to exceed 600l. per Ann.

Second.—Every Receiver General to be appointed as aforesaid shall be, on his first Appointment, charged with the Stamp Duty payable by Law on the Bond to be given in such case, and every renewed or succeeding Appointment of the same Person shall be free of Stamp Duty; but such Receiver General shall not be required to renew his Bond under each or any new or succeeding Appointment, except in the Case of any Change in his Security, or under Circumstances that may render any such renewed Bond necessary, under the Directions of the said Commissioners of the Treasury, which renewed Bonds shall also be free of Stamp Duty; and such Receiver General shall not in any case be liable to or charged with any Fee or Gratuity on his Commission, Warrant or other Instrument to be obtained or had, either on his first Appointment or on any renewed or succeeding Appointment to the said Office, nor to any Fee or Gratuity for any Matter or Thing incident to the Execution of his Office, or for auditing or passing his Accounts either in His Majesty's Treasury, the Office for Taxes, or in any Office of the Court or Receipt of Exchequer.

First Appointment only liable to Stamp Duty.

Third.—Every Receiver General to be appointed as aforesaid shall execute the Duties of the said Office in Person, without any Deputy or Deputies, unless he shall be required or authorized, in Cases of Illness or other temporary or sufficient Cause, to appoint a Deputy or Deputies with the Approbation of the said Commissioners

Not to appoint a Deputy without Consent of Treasury, &c.

sioners of His Majesty's Treasury, by the Commissioners for the Affairs of Taxes.

Rouet for Receipt of Taxes.

Fourth. — Every Receiver General to be appointed as aforesaid shall attend at such Places, and observe such Route in proceeding from Place to Place, for the Receipt of the said Taxes from the several Collectors of the Parishes, Wards or Places within the Limits assigned to him, and at such Times, and from time to time, as shall be settled with him, and approved by the Commissioners for the Affairs of Taxes: Provided always, that it shall be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more of them, to allow every such Receiver General an Allowance not exceeding Two Shillings per Mile, and One Guinea per Day, for his Travelling Expences when absent from Home upon his quarterly or Half yearly Receipt; and also a like Allowance if travelling upon an extraordinary Occasion, by the Direction of the Commissioners for the Affairs of Taxes: Provided also, that whenever the said Commissioners of the Treasury shall require any Receiver General to keep open an Office daily or weekly, or on Two or more Days in each Week, except *Sundays* and *Christmas Day*, for the Receipt of the Taxes of his District or any Part thereof, it shall be lawful for the said Commissioners of the Treasury to assign an additional Salary and Allowance for the Expences incident to his said Office, over and above the Salary and Allowance herein limited, to be paid out of the said Taxes in manner herein before directed: Provided always, that an Account of the Salaries, Allowances or other Emoluments, in any manner accruing to the several Receivers General of the Taxes under this Act, shall be annually laid before both Houses of Parliament within Twenty Days after the Meeting thereof.

Allowances for Travelling Expences.

When an Office is required to be kept, an additional Salary, &c. allowed.

Proviso.

Treasury may authorise Contracts with Persons to receive and remit Monies.

Fifth. — It shall be lawful for the said Commissioners of the Treasury to contract or to authorize the said Commissioners for the Affairs of Taxes to contract with any Receiver General, or any other Person or Persons, to remit the Taxes collected and received, and paid to the Receiver General or his Deputy, authorized as aforesaid, to be by such Person or Persons paid or caused to be paid, into the Receipt of His Majesty's Exchequer at *Westminster*, at such time or times and in such manner as shall be specified in such Contract; and also to contract in like manner with the same or any other Person or Persons, to receive from the Collectors residing within the Limits specified in their respective Contracts, all such Taxes as shall remain in the Hands of any Collector or Collectors, or shall have been collected by him or them since the last Circuit of Receipt of the Receiver General or his Deputy, or to be collected by any Collector or Collectors aforesaid, at any time or times in the same or succeeding Quarter of the Year after the last Half yearly Circuit of Receipt, by any Receiver General or his Deputy, upon such Terms and Conditions as shall be specified in such Contracts respectively, of which Contract or Contracts the respective Commissioners shall have Notice, and from time to time shall make such Order or Orders for the Payment of the Monies from time to time collected or received by the respective Collectors aforesaid, as by this Act is directed.

Receivers not remitting, to

Sixth. — It shall be lawful for every Receiver General who shall not contract to remit the Taxes by him received into the Re-

ceipt of His Majesty's Exchequer, under the Regulations prescribed by the said Commissioners of His Majesty's Treasury, to pay over the same to such Person or Persons as shall be authorized as aforesaid to pay the same into the said Receipt of Exchequer, and who shall attend such Receiver General for that Purpose; and the Receipt of such authorized Person or Persons, in Duplicate, shall be a full Discharge and Acquittance to such Receiver General; and the first of every Receipt in Duplicate so given shall be transmitted to the Commissioners for the Affairs of Taxes; and the Second of every such Receipt shall remain with the said Receiver General as his Voucher in passing his Accounts; and every such Receipt shall be free of Stamp Duty.

pay Monies to Person appointed.

Seventh. — Whenever any Receiver General shall be required to keep open daily or weekly (except as before excepted) an Office for the Receipt of Taxes within his District, it shall be lawful for such Receiver General, and he is hereby required, to fix the Day or Days for receiving the same from each Collector whose Place of Residence shall be within Ten Miles of the said Office, according to such Course, Order and Rotation as shall be approved by the Commissioners for the Affairs of Taxes, or any Three or more of them; according to which Rotation every such Collector shall attend to make his Payment, so that each such Collector may attend Four or a less Number of Days in each Quarter of a Year, or Quarterly, as the Commissioners of the District shall think expedient, and shall certify to the Commissioners for the Affairs of Taxes according to the said Course, Order and Rotation; of which Day or Days of Payment due Notice shall be given to the respective Commissioners acting in the Execution of the said Acts and this Act; and where the Residence of any Collector or Collectors within the District of any such Receiver General mentioned in this Rule shall not be within the Distance before mentioned, the Receipts of the Monies from time to time collected by them shall be held by the Deputy of such Receiver General, in the manner prescribed in this Act in regard to other Districts.

Receivers keeping daily or weekly Offices, may appoint particular Days of Receipt by Collectors.

Eighth. — All Bonds, Contracts and Securities to be entered into with or taken from the Receivers General to be appointed, or with or from any other Person or Persons to be appointed under this Act, and their respective Sureties, to remit the Monies arising by the Taxes granted by the said Acts, or any of them, or any other Duties or Sums of Money under the Management of the Commissioners for the Affairs of Taxes, shall be to His Majesty, His Heirs and Successors, and entered into with and taken by the Commissioners for the Affairs of Taxes, and shall be filed and kept in the Office of the said Commissioners; and no such Bond, Contract or Security shall be entered or filed at any of the Offices in the Court of Exchequer, unless and until it shall be necessary to be made Matter of Record for the Purpose of suing Process at Law in the said Court of Exchequer at *Westminster*, for the Recovery of any Penalty forfeited thereon, or any Debt or Duty owing thereon or against the Person and Effects of the Parties bound thereby, their Heirs, Executors or Administrators respectively; in which Cases the Commissioners for the Affairs of Taxes shall cause the same to be delivered into the Office of the King's Remembrancer of the said Court: and such Delivery shall

Bonds, &c. to be to His Majesty.

be deemed and be as valid and effectual as if the Bonds, Contracts and Securities had been taken in one of the said Offices, according to the Course or Practice of the said Court heretofore used, to all Intents and Purposes whatsoever; and shall be applied and made use of in such and the like manner, in any Suit, Action or Process of Law on the said Bonds, Contracts or Securities, as if the same had been from the Caption thereof respectively filed in the said Court.

No. II. — RULES and Regulations respecting the said Office, in relation to Assessed Taxes.

Receivers may examine Collectors on Oath.

First. — Every Receiver General to be appointed as aforesaid, and his Deputy or Deputies, except as after mentioned, authorized under this Act, shall and is hereby respectively empowered and authorized, at the respective Times appointed by the said Acts and this Act for the Delivery of Schedules of Defaulters, to administer an Oath to every such Collector (or being a Person called a Quaker, a solemn Affirmation,) that he or they hath or have fully paid all the Sums by him or them collected or received of or for the Assessed Taxes, and hath or have fully accounted for all Sums not collected or received, in the Schedule or Schedules then delivered, and shall true Answer make to all such Questions as shall be demanded of him; and it shall be lawful for every Receiver General or his Deputy or Deputies, authorized under this Act, at the Time of delivering such Schedule or Schedules, to examine each Collector on any Matters touching the Sums collected and the Sums in arrear, and the Substance of the Answer or Answers which any Collector shall give on such Examination, shall in his Presence be reduced into Writing, and read to him, with liberty to alter and amend the same in any Particular; and every such Collector shall write or sign his Assent to the same, in his own Hand-writing or Sign, and in his usual manner of writing or signing the same.

Answers signed by Collector.

Collectors to account quarterly.

Second. — Every Collector residing within Ten Miles of an Office for the daily or weekly Receipt of the said Taxes, to be established pursuant to this Act, shall once in every intervening Quarter of a Year, when required by the Receiver General of the District where such Office shall be, account with the said Receiver General, and on his Oath or Affirmation, be examined by such Receiver General, in the manner directed by the preceding Rule, unless the Accounts of the Monies of the said Taxes respectively received by such Collector shall have been previously examined by the Commissioners of the District, and the Amount to be then paid to the Receiver General shall have been certified under their Hands, and the Certificate thereof delivered to the said Receiver General, as directed by this Act.

Receivers may report Failures, &c. of Collectors to the Commissioners.

Third. — It shall be lawful for every such Receiver General or his authorized Deputy, as aforesaid, whenever he shall see occasion, to report to the Commissioners acting in the Execution of the said Acts and this Act, in any Matter or Thing touching the Conduct of any Collector or Collectors aforesaid; and in every Case where there shall be a Failure of assessing or charging the Duties in any Parish, Ward or Place, Parishes, Wards or Places, or of raising or paying the several Sums respectively charged on any

any Person or Persons chargeable in such Parish, Ward or Place, Parishes, Wards or Places, or in the making out or returning any Duplicates of Assessments by their Clerk, or of doing any other Act required by the Acts relating to the said Taxes or by this Act, to be done by such Clerk, stating therein the Particulars of his Complaint against such Collector or Collectors, or other Person or Persons acting as aforesaid, and what in his Opinion ought to be done therein; and whenever any Receiver General or his authorized Deputy, shall have reported to the Commissioners acting for any Parish, City, Town or Place, or any Ward or other Division, any Matter or Thing which in the Opinion of such Receiver General, or his authorized Deputy aforesaid, shall require the particular Consideration of the said Commissioners, it shall be lawful for them, and they are hereby required to summon a Meeting within a reasonable Time after such Report; of which Meeting the Receiver General, or his authorized Deputy aforesaid, shall have Notice, and may and shall attend thereat, and assist in the Consideration of the Measures necessary and expedient to be taken in the Execution of the said Acts and this Act.

Proceedings by Commissioners thereon.

No. III.—RULES and Regulations respecting the Office of Collector of Assessed Taxes.

First.—At each Quarterly or Half yearly Receipt of any Receiver General as herein mentioned, to be held next after the Tenth Day of *October* and the Fifth Day of *April* in each Year, pursuant to the Directions of this Act, all and every the Collectors and Collector of the Assessed Taxes or the Monies arising by Compositions for Assessed Taxes, within the Jurisdiction of such Receiver General, shall bring with him and produce to the Receiver General, or his Deputy, the Duplicate or Duplicates of Assessment, showing the respective Sums by them or him collected and received duly written off in the said Duplicate or Duplicates, or instead thereof, a Certificate signed by Two or more of the Commissioners of the District, stating the several Sums collected and received, and the Sums to be paid to the Receiver General or his Deputy at the ensuing Receipt, together with a full and true Account, in Writing, signed by such Collectors or Collector, in their or his usual manner of writing or signing their or his Christian and Surnames or Name, of all Sums of Money by them or him collected for that Year of Assessment, and on his Oath or solemn Affirmation aforesaid, true Answer make to all such lawful Questions as the said Receiver General or his Deputy shall there demand of them or him touching the Assessed Taxes; and if any Collector of the Assessed Taxes shall at any such Half yearly Receipt neglect or refuse to bring with him and produce such Duplicate or Duplicates of Assessment, showing the respective Sums collected or received in manner aforesaid, or instead thereof a Certificate, signed by the Commissioners of the District aforesaid, together with an Account in Writing, signed by such Collector in manner before directed, or shall refuse to take the Oath or Affirmation aforesaid, or to answer any lawful Question or Questions demanded of him by such Receiver General, or Deputy authorized as aforesaid, or shall declare, in any Answer by him made, any Matter or Thing which shall be false, every such Collector shall forfeit

Collectors to produce Assessments to Receivers, showing Sums collected.

Collector neglecting his Duty herein.

Penalty, 50*l*.

forfeit and pay the Sum of Fifty Pounds, to be sued for and recovered as any Penalty may be sued for or recovered under the Acts relating to the said Taxes or any of them, together with all Costs and Charges attending the Recovery thereof.

Collectors not paying over Monies.

Second. — Whenever any Sum or Sums of the Monies collected and received under the Authority of the said Acts shall be detained in the Hands of any Collector or Collectors, and shall not be duly accounted for to the Receiver General or his Deputy at the Receipt to be holden next after the same shall have been collected or received by him or them; and whenever any Sum or Sums of the Arrears of Taxes and Monies so collected or received shall be ordered to be paid by the respective Commissioners of the District acting in the Execution of this Act, and shall not be paid on the Day so ordered, every such Collector shall forfeit and pay the Sum of Fifty Pounds, and a further Penalty at the Rate of Five Pounds *per Centum per Annum* for the whole Sum by him detained; and the Amount of the said Penalties shall be sued for and recovered in the manner hereinbefore directed, with all Costs and Charges.

Penalty.

Collector using public Money.

Third. — If any Collector of the said Taxes shall from and after the passing of this Act, advance or lend to any Person or Persons any of the Monies so by him collected or received, or if any such Collector shall pay or apply any Monies or any Part of the said Monies to his own Use or Purpose, or shall deposit to deliver over the same to any other Person or Persons, so that the full Sums or any Part thereof to be raised under the said Acts, according to the Tenor and Effect thereof, shall be withheld and not be paid to the Receiver General at the Times on which the same ought to be paid according to this Act, every such Collector shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with all Costs and Charges, to be recovered in manner last aforesaid.

Penalty, 50l.

Schedule of Defaulters to be delivered by Collector to Receiver General.

Fourth. — All Schedules of Defaulters to be delivered after the passing of this Act, by any Collector or Collectors of the said Taxes and Composition Monies, or any of them, shall be delivered to the several Receivers General, or their authorized Deputies, on their Receipt, after the Tenth Day of *October*, and the Fifth Day of *April*, yearly; and at the Time of such Collector or Collectors attending the Receiver General with an Affidavit subscribed on the Oath or Affirmation of the Collector or Collectors in the manner directed by the said Acts, and which Oath or Affirmation the said Receiver General, or their respective authorized Deputies, are hereby respectively authorized to administer and subscribe; and any Collector neglecting to deliver any such Schedule, duly verified as aforesaid to such Receiver General or his Deputy at the Time, and on his Receipt as aforesaid, shall be subject to the like Process as is provided for neglecting to deliver Schedules under the said Acts relating to the Assessed Taxes, and all such Schedules respectively shall be delivered by such Receiver General or his Deputy, to the respective Commissioners, to remain in their Hands during the same Time as is allowed by the said Acts relating to Assessed Taxes.

Collector neglecting his Duty herein.

Proceedings.

Bond given by Collector free from Duty.

Fifth. — Every Bond or other Security to be given after the passing of this Act, by the Collector or Collectors of the Land Tax,

Tax, to the respective Commissioners acting in the Execution of the Act relating to the said Tax, shall be free of any Stamp Duty whatever.

Poundage to Collector.

Sixth.—Every Collector shall receive from the Receiver General the Poundage allowed to him under the said recited Acts, unless the said Commissioners of His Majesty's Treasury shall direct all or any Portion of such Poundage to be discontinued, and which the said Commissioners are hereby authorized to do from time to time, and in such manner as shall appear to them expedient for the better Execution of the Provisions of this Act.

No. IV. — RULES and Regulations respecting the Offices of other Persons acting in the Execution of the said Acts.

Commissioners may call Collectors before them previous to each Receipt, and make Orders for subsequent Payments;

First. — It shall be lawful for the several Commissioners acting in the Execution of the said recited Acts and of this Act, in their respective Divisions, and they are hereby required, whenever they shall have received Notice, as directed by this Act, of any Receipt to be holden by the Receiver General of the Monies collected and received within the Limits of the District of the said Commissioners respectively, and on or immediately before the Day or Days of Receipt to be so holden, to call before them the respective Collectors appointed for each Parish or Place, and to examine him or them upon solemn Oath or Affirmation, and assure themselves of all and every of the Sum or Sums of Money and Arrears of the said Duties and Compositions respectively that shall have been collected, or remain to be collected, and which shall be payable to the said Receiver General or his Deputy, or such other Person or Persons as shall be authorized to receive the same under this Act, at such ensuing Receipt, and to make such Order therein for the Payment of the same to the Receiver General or his Deputy, or other Person or Persons aforesaid, as they shall judge necessary; and the said Commissioners shall thereupon cause to be delivered to every such Collector a Certificate of the Sum to be so paid to the said Receiver General or his Deputy, or other Person or Persons aforesaid, together with their Order for the Payment of such Sum or Sums as aforesaid, under the Hands of the said Commissioners, or any Two of them, and which Certificate shall be delivered by every such Collector to the Receiver General or his Deputy, or other Person or Persons aforesaid, at the Time of his attending to make such Payment of the Monies by him collected and received; and the said Commissioners shall enter every such Certificate and Order in a Book to be by them provided for that Purpose; and it shall be lawful for the Inspector and Surveyor acting for the District of the said Commissioners, at all convenient Times, to inspect the said Book, and take such Extracts therefrom as shall be required by the said Commissioners for the Affairs of Taxes.

and give Certificate to Collector of Payment to be made by him.

Certificate, &c. entered.

Books of Assessments made up.

Second. — Whenever the respective Commissioners shall have signed and allowed any Assessment of Assessed Taxes, and the Days to be appointed for hearing Appeals therefrom shall have elapsed, the Clerk to the said Commissioners shall cause to be numbered the Pages in each Book of Assessment, and the Sums assessed in each Page to be duly cast up; and they shall forthwith, and before the next ensuing Receipt for the said Taxes, transmit

Proceedings thereon.

mit to the Receiver General of the District or his Deputy, the total Amount of the Sum to be paid to such Receiver General by and for each Parish, Ward or Place in the respective Districts, together with the Names of the Collectors appointed to collect and receive the same.

Commissioners empowered to seize and sell Estates of Collectors making Default.

III. And be it further enacted, That if any Collector or Collectors of the said Duties and Sums of Money aforesaid, or any of them, shall neglect or refuse to pay any Sum or Sums of Money which shall be by him or them received as aforesaid, as in and by the said several Acts or by this Act is directed, and shall detain in his or their Hands any Money received by him or them, and not pay or account for the same in manner directed by the said Acts or this Act, the Commissioners acting in the Execution of the Acts relating to the said Duties, or any Two or more of them, in their respective Districts, are hereby authorized and empowered to imprison the Person, and seize and secure the Estate, as well Freehold as Copyhold, and all other Estate, both Real and Personal, of such Collector or Collectors, to him or them belonging, or which shall have descended or come into the Hands or Possession of his or their Heirs, Executors, Administrators or Assigns, wheresoever the same can be discovered and found; and the said Commissioners who shall so seize and secure the Estate of any Collector or Collectors, or any Two or more of the Commissioners acting as aforesaid in the same District, shall and are hereby empowered to appoint a Time for a Meeting of the Commissioners for such Division, City, Town or Place, and then to

Notice of Meeting for that Purpose.

cause public Notice to be given of the Place where such Meeting shall be appointed, Ten Days at least before such Meeting; and the Commissioners of such Division, City, Town or Place, present at such Meeting, or the major Part of them, in case the Accounts of such Collector be not duly delivered, or the Monies detained by any such Collector or Collectors be not paid or satisfied, as ought to be done according to the Directions of the said Acts or of this Act, shall be and are hereby empowered and required to

Proceeds of Sale, how disposed of.

sell and dispose of all such Estates which shall be, for the Cause aforesaid, seized and secured, or any Part of them, to satisfy and pay into the Hands of the Receiver General the Sum that shall not be so accounted for, or shall be so detained in the Hands of such Collector or Collectors, their Heirs, Executors or Administrators respectively, together with the reasonable Costs and Charges of recovering, raising and paying the same, which Costs and Charges shall be ascertained and settled by the said Commissioners, and the Overplus (if any) shall be restored to the Collector or Collectors, or the Person or Persons entitled thereto.

Commissioners may convey the Estates so sold.

IV. And be it further enacted, That any Two or more of the Commissioners acting for the Division in which the Estate and Effects of such Collector or Collectors shall be seized and secured as aforesaid, shall be and are hereby authorized and required to make Conveyance of all such Freehold and Copyhold Estates respectively; and in like manner to assign the Leasehold and other Personal Estate of such Collector, and all his Right, Title and Interest therein at the Time of such Seizure, or at the Time of the Death of any Collector so dying in default as aforesaid, to the respective Purchasers thereof respectively, by Deed indented between any Two or more of the said Commissioners; and such Sales

and

and Purchases respectively shall be as effectual and valid, to all Intents and Purposes, against such Collector, his Heirs, Executors and Administrators, and all Persons claiming under such Collector, in like manner as the Sale of Bankrupts' Estates of the like Nature, under and by virtue of the Statute relating to Bankrupts, or any of them, may be made by Deed indented or enrolled, or by Deed of Assignment, according to the several Natures of such last mentioned Estates: Provided always, that such Person or Persons to whom any such Sale of Copyhold Lands shall be made, shall in like manner as the Purchaser of the Copyhold Estates of Bankrupts, before such Time as he or they, or any of them, shall enter or take any Profit of the said Lands or Tenements, agree and compound with the Lords of the Manors of whom the same shall be holden, for such Fines or Incomes as heretofore hath been most usual and accustomed to be yielded or paid therefore; and that upon every such Agreement or Composition, the said Lords for the time being, at the next Court to be holden at or for the said Manors, shall not only grant to the said Vendee or Vendees, upon Request, the same Copyhold or Customary Lands or Tenements by Copy of Court Roll of the same Manors, for such Estate or Interest as to them shall be so sold, and reserving the ancient Rents, Customs and Services, but also in the same Court admit them Tenants of the same Copyhold or Customary Lands, as other Copyholders of the same Manors have been wont to be admitted, and to receive their Fealty, Suit or Service, according to the Custom of the Court of such Manor.

Purchasers of Copyhold to compound with Lords of Manors for Fines, &c.

V. And be it further enacted, That the several and respective Persons who for the time being shall be Commissioners for putting in execution the Acts relating to Assessed Taxes and to the Land Tax respectively, shall be Commissioners for putting in execution this Act, and the Powers herein referred to or contained, in all and every the respective Counties, Ridings, Divisions, Shires and Stewartries, Cities, Boroughs, Cinque Ports, Towns and Places in *Great Britain*; and the several Collectors, Surveyors, Inspectors and Inspectors General for the Time being, appointed or to be appointed to put into execution the said Acts, shall respectively be Collectors, Surveyors, Inspectors and Inspectors General, to put in execution this Act, within the Limits of their respective Divisions, Districts and Places, to which they are or shall be appointed; and the said Commissioners and others before mentioned are hereby empowered and required to do and perform all Things necessary for putting this Act in execution, in the like and in as full and ample a manner as they or any of them are or is authorized to put in execution the said Acts, and all and every the Powers and Authorities, Methods, Rules, Directions, Penalties, Forfeitures, Clauses, Matters and Things, contained in any of the said Acts (except where such Provisions are varied, or other Provisions are substituted by this Act,) shall, in collecting, levying and accounting for the said Duties and Monies respectively, be severally and respectively duly observed, practised and put in execution throughout *Great Britain*, in relation to all and every the Duties and Monies aforesaid, as fully and effectually to all Intents and Purposes, as if the same Powers, Authorities, Methods, Rules, Directions, Penalties, Forfeitures, Clauses, Matters and Things,

Commissioners of Assessed Taxes and Land Tax, to be Commissioners to execute this Act.

Things, were particularly repeated and re-enacted in the Body of this Act, and applied to all and every such Duties and Monies aforesaid, as Part of the Provisions of this Act.

Appointment of Clerk to the Land Tax to be under the Provisions of Assessed Tax Acts. 43 G. 3. c. 99.

VI. And be it further enacted, That from and after the Twenty fifth Day of *March* One thousand eight hundred and twenty two, every Appointment of Clerk to the Commissioners for executing the Acts relating to the Land Tax, shall be made for the Term and under the Rules and Regulations for the Appointment, Continuance and Removal of a Clerk to the Commissioners for executing the Acts relating to the Assessed Taxes, as is provided by an Act passed in the Forty third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same.*

Bonds of Receivers General to be delivered up on Accounts being balanced.

'VII. And Whereas the Delay of enrolling and passing declared 'Accounts of Receivers General of the Land and Assessed Taxes 'through the different Offices in the Court of Exchequer, previous 'to the issuing the *Quietus* thereon, is attended with great Inconve- 'nience to such Receivers General and to their Securities, in 'obtaining the Cancellation of their Bonds to His Majesty, from 'time to time, as they become satisfied, for the Year or Years on 'which such declared Accounts are balanced in the Office of the 'Auditor or Auditors of the Land Revenue, in the usual Course 'of passing such Accounts;' Be it further enacted, That from and after the passing this Act, in every case where any Account of a Receiver General of Land or Assessed Taxes, to which any Bond now or hereafter to be entered into to His Majesty, filed of Record in the Court of Exchequer or to be taken by the Commissioners for the Affairs of Taxes under the Provisions of this Act, shall relate, has been or shall be stated and passed in the Office of the said Auditors or their Deputy, and have been or shall be declared before a Baron of the Court of Exchequer, and no Balance shall appear to remain due on such Account from any such Receiver General, the said Auditors or their Deputy shall, as soon as conveniently may be after such Declaration, cause a Certificate thereof to be made out and signed by them or him, and the total Amount of the Sums forming the Charge and Discharge Parts of the said Account, with the Words "Even and Quit," shall be inserted in such Certificate, and delivered to the said Receiver General; and every such Certificate so made out and signed as aforesaid, and delivered into or lodged by the said Receiver General in the Office of the King's Remembrancer in the Court of Exchequer or in the Office of the said Commissioners, shall be a sufficient Authority to the Officers of the said Court and to the said Commissioners having the Custody of the Bond of the said Receiver General, for the Year to which the said Certificate shall relate, to deliver up such Bond to the said Receiver General or to his authorized Agent in that Behalf, a Receipt for such Bond being endorsed on such Certificate, and signed by the Party receiving the same.

Certificate of Account settled delivered to Receiver General and by him to the Exchequer.

The Office of certain Receivers General

'VIII. And Whereas it is expedient, in the several Counties in '*England* and *Wales*, where Two or more Persons execute the said 'Office of Receiver General, to abolish one of such Offices;' Be it further

further enacted, That upon the Death, Resignation or Removal of any one of the Receivers General whose Names are set forth in the Schedule to this Act annexed, marked with the Letter A., the Office of such Receiver General shall be discontinued, and it shall be lawful for the said Commissioners of the Treasury to consolidate the said Vacant Office with the Office of the Receiver or Receivers of the rest of the County, or to add the same or any Part or Parts thereof to any adjoining District or Districts of Receipt, as the said Commissioners of the Treasury shall think most beneficial to the Collection of the said Taxes.

discontinued on the Events herein mentioned.

IX. And be it further enacted, That from and after the passing of this Act, one Part only of the Accounts of every Receiver General to be hereafter passed, shall be made up and transcribed in the Offices of the Auditors of the said Accounts, for the Purpose of being presented for Declaration before a Baron of His Majesty's Court of Exchequer, and which Accounts shall be written on Paper in the *English* Language in common Characters, and the several Sums of Money expressed therein shall be written and described in common Numerals or Figures; and every such Account, after the same shall have been declared before a Baron of the said Court according to the Usage thereof, shall be transmitted to the Office of His Majesty's Remembrancer of the said Court, and shall there be enrolled, as of Record, in like manner in all respects as the Part of any Account transcribed on Parchment hath heretofore been enrolled; and which Enrolment herein directed shall be as valid and effectual for enabling the Proceedings for the Recovery of any Balance and Interest due or to become due thereon, and for all other Purposes whatsoever in any wise concerning or relating to such Accounts, as if the same had been also recorded in the Offices of the Lord Treasurer's Remembrancer and of the Clerk of the Pipe, according to the Course of the Exchequer before the passing of this Act: Provided nevertheless, and all and every the Provisions contained in an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to alter and abolish certain Forms of Proceedings in the Exchequer and Audit Office, relative to Public Accounts, and for making further Provisions for the Purpose of facilitating and expediting the Passing of Public Accounts in* Great Britain, *and to render perpetual and amend an Act passed in the Fifty Fourth Year of His late Majesty for the effectual Examination of the Accounts of certain Colonial Revenues*, so far as the same relate to the Record and Enrolment of any of the said Accounts in the Offices of the Lord Treasurer's Remembrancer and of the Clerk of the Pipe respectively, in cases where such Enrolments or Records may be found necessary for the Purposes in the said Acts mentioned; and also so far as the Provisions of the said Acts relate to allowing Compensation to the Persons now holding the said Offices of the Lord Treasurer's Remembrancer and Clerk of the Pipe, for Loss of Fees or Proportions of Fees, in respect of Inrolments of the Receiver's Accounts in the said last mentioned Offices, and of the Effect of such Inrolments; and also in respect of Compensation to the said Officers and to the King's Remembrancer and other Officers of the Court of Exchequer, for Loss of Fees or Proportions of Fees which they shall respectively sustain under the

Regulation for enrolling the Accounts of Receivers General in the King's Remembrancer's Office only.

Such Accounts may be enrolled in the Lord Treasurer's Remembrancer's Office, and the Pipe Office, in particular Cases, as required by 1 & 2 G. 4. c. 121.

Compensation to Officers of the Exchequer for Loss of Fees.

the Provisions of this Act, shall and may be severally observed, practised and followed, and applied to the Provisions of this Act and in the Execution thereof, to all Intents as if the said several Provisions of the said last mentioned Act had been re-enacted and incorporated in the Body of this Act, and particularly applied to the Provisions of this Act; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

Receiver General not required to travel in Company with more than One Person on each Receipt.

'X. And Whereas by the said Acts relating to the Land and Assessed Taxes respectively, the Receivers General of the said Duties and their Agents or Servants are required to travel together, 'Three in Company at the least, on their respective Receipts, and 'for the Purposes in the said Acts mentioned;' Be it further enacted, That no Receiver General, or his authorized Deputy, to be appointed under the Provisions of this Act, shall be required to travel in Company with more than One Person on each Receipt respectively; and such Receiver General or his authorized Deputy so travelling as last aforesaid, shall have the same Remedies and Advantages in his Protection on his said Receipt, to all Intents, as if he had travelled in Company with Two or more Persons, in the manner directed by the said Acts; any thing in the said recited Acts contained to the contrary notwithstanding.

Act may be altered, &c. this Session.

XI. And be it further enacted, That this Act may be altered, amended or repealed, by any Act to be passed in this present Session of Parliament.

SCHEDULE (A.) to which this Act refers.

Berks	W. B. Simonds, E. Golding.
Bucks	G. R. Minshull, W. H. Hanmer.
Devon	J. J. Fortescue, Sir J. Duntze.
York	R. R. Milnes, R. Creyke.
Essex	R. Andrews, C. Round.
Kent	Sir William Twysden, G. W. H. D'Aeth.
Lancaster	G. Case, E. Falkner.
Lincoln	Sir R. Fydell, R. Claypon.
Norfolk	Sir R. J. Harvey, W. Fisher.
Northampton and Rutland	E. Boodle, John Beauclerk.
Somerset	J. Allen, Hon. G. Poulett.
Isle of Wight	W. Hearn.
Suffolk	O. R. Oakes, D. E. Davy.
Surrey	R. Smith, T. Page.
Warwick	W. Little, C. Fetherston.
Wilts	W. Bowles, J. Awdry.
Monmouth	R. Lascelles.
Glamorgan	H. Hollier.

CAP. LXXXIX.

An Act to provide for the Charge of the Addition to the Public Funded Debt of *Great Britain*, for the Service of the Year One thousand eight hundred and twenty two.

[29th *July* 1822.]

53 G.3. c.35. § 1.

'WHEREAS by an Act passed in the Fifty third Year of 'the Reign of His late Majesty King *George* the Third, 'intituled *An Act to alter and amend several Acts, passed in* 'His

'*His present Majesty's Reign, relating to the Redemption of the National Debt, and for making further Provisions in respect thereof*, it was enacted and declared, That for the Purposes of the said Act an Amount of Public Debt equal to the whole Capital of the Public Debt in perpetual redeemable Annuities existing on the Fifth Day of *January* One thousand seven hundred and eighty six, should be deemed to be satisfied and discharged, and so much of the Capital Stock so purchased and transferred as therein mentioned, and standing in the Names of the Commissioners for the Reduction of the National Debt, in the Books of the Governor and Company of the Bank of *England*, as Parliament by any Act or Acts of the said Session, should or might direct, should be cancelled in like manner as if the same had been transferred to the said Commissioners for the Redemption of the Land Tax pursuant to the Provisions of the several Acts thereunto relating, in order to make Provision for the Charge of any Addition to be made to the Public Funded Debt of *Great Britain*, by way of Loan or in any other manner, for the Service of the Year One thousand eight hundred and thirteen; and that when and so soon as such a further Amount of the Capital Funded Debt of *Great Britain* should have been purchased by the said Commissioners, or transferred to them for the Redemption of Land Tax, or the Purchase of Life Annuities, as, together with the Amount so already purchased or transferred as aforesaid, should have produced an Interest or yearly Dividend equal in Amount to the whole annual Charge in perpetual redeemable Annuities of the Public Debt of *Great Britain* existing on the Fifth Day of *January* One thousand seven hundred and eighty six, the said Commissioners should thereupon certify and declare the same to the Lord High Treasurer, or Commissioners of the Treasury for the time being, who should cause the said Certificate and Declaration to be published in the *London Gazette*, and to be laid before Parliament (if Parliament should be then sitting), but if Parliament should not be then sitting, then within Fourteen Days after the next Meeting of Parliament, and so from time to time whenever such a further Amount of the Capital Funded Debt of *Great Britain* should have been purchased or transferred as aforesaid, as should be equal to the whole Capital, and should have produced an Interest or yearly Dividend equal in Amount to the whole annual Charge in perpetual redeemable Annuities of each Loan contracted since the said Fifth Day of *January* One thousand seven hundred and eighty six, the said Commissioners should from time to time thereupon in like manner certify and declare the same to the Lord High Treasurer, or Commissioners of the Treasury for the time being, who should in like manner cause every such Certificate and Declaration to be published in the *London Gazette*, and to be laid before Parliament; and whenever any such Certificate and Declaration should have been so made, published and laid before Parliament as aforesaid, the Amount of Public Debts to which such Certificate and Declaration should relate should from time to time be deemed and taken to be wholly satisfied and discharged, and an equal Amount of Capital Stock standing in the Names of the said Commissioners in the Books

' of

'of the Governor and Company of the Bank of *England*, or of 'the *South Sea* Company, should be considered to be redeemed 'by Parliament, and should from time to time be cancelled as 'above mentioned, at such Times and in such Proportions as 'should be directed by any Act or Acts of Parliament to be 'passed for that Purpose, in order to make Provision for the 'Charge of any Addition to be made to the Public Funded Debt 'of *Great Britain* by way of Loan or in any other manner; and

§ 5. 'it was thereby further enacted, That whenever the Amount of 'the Sum to be raised by way of Loan, or in any other manner, 'which might create an Addition to the Public Funded Debt of '*Great Britain*, in that or any future Year, should exceed the 'Sum which on the First Day of *February* should have been or 'should be estimated to be applicable in the same Year to the 'Reduction of the National Debt, then and in every such Case 'an annual Sum amounting to the One hundredth Part of the 'Capital Stock created by so much only of the Monies raised 'by way of Loan, or in any other manner as aforesaid, in the 'Year, as should be equal to the Sum so estimated to be appli-'cable to the Reduction of the National Debt within the same 'Year, should be issued at the Receipt of the Exchequer, to the 'Account of the said Commissioners, in the manner directed by

32 G.3. c.55. 'the said therein recited Act of the Thirty second Year of His 'present Majesty, and with respect to the Excess of the Mo-'nies which might be so raised in any Year by way of Loan, or 'in any other manner as aforesaid, above the estimated Sum ap-'plicable to the Reduction of the National Debt within the same 'Year, such an annual Sum as should be equal to One Half of 'the Interest of such Excess, should be set apart out of the 'Monies composing the Consolidated Fund, and should in like 'manner be issued at the Receipt of the Exchequer to the Go-'vernor and Company of the Bank of *England*, to be by them 'placed to the Account of the said Commissioners: And Whereas 'the Sum which on the First Day of *February* One thousand 'eight hundred and twenty two, was estimated to be applicable 'in the present Year to the Reduction of the National Debt, 'amounted to Sixteen millions four hundred eighty one thousand

c. 73. ante. 'four hundred and ninety two Pounds: And Whereas an Act was 'passed in this present Session of Parliament, intituled *An Act* '*for raising a Loan of Seven millions five hundred thousand* '*Pounds from the Commissioners for the Reduction of the Na-*'*tional Debt:* And Whereas the Charge of the said Loan will 'amount to the annual Sum of Three hundred and seventy three 'thousand five hundred and eighty seven Pounds Ten Shillings: 'And Whereas it is expedient to make Provision for such Charge

12,452,917*l.* Three per Cents. Reduced, standing in Names of Commissioners of National Debt, cancelled, and Money applicable to 'in manner directed by the said first recited Act:' Be it there-fore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Sum of Twelve millions four hundred and fifty two thousand nine hundred and seventeen Pounds Three Pounds *per Centum* Reduced Annuities, standing in the Names of the Commissioners for the Reduction of the National Debt, shall be cancelled on or before the Fifth Day of *April*

April One thousand eight hundred and twenty three; and the Interest or Dividends which would have been payable on the said Sum so cancelled shall, from the Tenth Day of *October* One thousand eight hundred and twenty two, cease to be issued from the Receipt of the Exchequer, or to be charged upon the Consolidated Fund; and the Money which would have been applicable to the Payment thereof, shall remain and be a Part of the growing Produce of the Consolidated Fund of *Great Britain* and *Ireland*, for the Purpose of defraying the Charge occasioned by the Additions made or to be made to the Public Funded Debt of *Great Britain* in the present Year.

Interest to go to Consolidated Fund.

'II. And Whereas an Act was passed in the last Session of 'Parliament, intituled *An Act for raising a Loan of Thirteen mil-* 'lions five hundred thousand Pounds from the Commissioners for 'the Reduction of the National Debt: And Whereas the Interest 'for One Year on Twelve millions five hundred thousand Pounds 'Three Pounds *per Centum* Reduced Annuities, created by virtue 'of the said Act, became due on the Fifth Day of *April* One 'thousand eight hundred and twenty two, but will not become 'payable until the Tenth Day of *October* One thousand eight 'hundred and twenty two; and it is expedient that Provision 'should be made for Payment thereof;' Be it therefore enacted, That the Lord High Treasurer, or Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, shall order and direct the Sum of Three hundred and seventy five thousand Pounds to be issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commissioners for the Reduction of the National Debt, in Payment and Discharge of the Interest for One Year of the said Reduced Annuities of Twelve millions five hundred thousand Pounds, to the Fifth Day of *April* One thousand eight hundred and twenty two.

Treasury to issue 375,000l. to Commissioners for Reduction of National Debt, in Payment of Interest on the Loan under 1 & 2 G. 4. c. 70.

CAP. XC.

An Act to revive and continue, until the Fifth Day of *July* One thousand eight hundred and twenty three, certain additional Bounties on the Exportation of certain Silk Manufactures of *Great Britain* and *Ireland*.

[29th *July* 1822.]

'WHEREAS by an Act made in the Fifty ninth Year of the 'Reign of His late Majesty King *George* the Third, intituled *An Act to grant, until the Fifth Day of* July *One thousand eight hundred and twenty one, an additional Bounty on the Exportation of certain Silk Manufactures of* Great Britain; it was enacted, That there should be paid and allowed the Bounties, Allowances and Sums of Money in the said Act mentioned, on the Exportation from *Great Britain* of certain Silk Manufactures of *Great Britain*: And Whereas by an Act made in the last Session of Parliament it was enacted, That the like Bounties should be paid and allowed on the Exportation from *Ireland* of the like Silk Manufactures of *Ireland*, and that the said Act of the Fifty ninth Year of His late Majesty's Reign should be continued until the Fifth Day of *July* One thousand eight hundred

59 G. 3. c. 112. § 1.

1 & 2 G. 4. c. 101. § 1.

'

'dred and twenty two: And Whereas it is expedient that the 'said recited Act of the Fifty ninth Year of His late Majesty's 'Reign, and also the Bounties granted and made payable by the 'said recited Act of the last Session of Parliament on certain Silk 'Manufactures of *Ireland*, should be revived and further conti-'nued;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and twenty two, there shall be paid and allowed to any Person or Persons who during the Continuance of this Act shall have really and truly exported or shall export from *Ireland*, by way of Merchandize, any Ribbons or Stuffs made in *Ireland* of silk only, the like Bounties, Allowances and Sums of Money as in and by the said recited Act of the Fifty ninth Year of His late Majesty's Reign are allowed and made payable on the Exportation from *Great Britain* of Ribbons and Stuffs made in *Great Britain*; and that such Bounties shall be in Addition to all other Bounties or Allowances payable in respect thereof; and that such additional Allowances or Bounties shall be paid and allowed in the same manner, and subject to the same Rules, Regulations and Restrictions, as the Allowances and Bounties granted by Law on the Silk Manufactures of *Ireland* are now paid and allowed, and under such other Regulations and Restrictions as are mentioned and contained in the said recited Act of the Fifty ninth Year of His late Majesty's Reign with respect to the Payment of such Bounties in *Great Britain*.

The like Bounties as on Exportation of Ribbons, &c. from G. B. by 59 G. 3. c. 112. paid for Exportation of such Articles from Ireland.

II. And be it further enacted, That the said recited Act of the Fifty ninth Year of His said late Majesty's Reign shall be revived, and that the said Act and this Act shall be and continue in force from the Fifth Day of *July* One thousand eight hundred and twenty two, until the Fifth Day of *July* One thousand eight hundred and twenty three.

Recited Acts continued till July 5, 1823.

CAP. XCI.

An Act for Regulating the Mode of accounting for the Common Good and Revenues of the Royal Burghs of *Scotland*. [29th *July* 1822.]

'WHEREAS it is expedient that regular Accounts should 'be annually stated and exhibited of the Common Good of 'the Royal Burghs of *Scotland*, showing the Property and Funds 'as well as the Incumbrances affecting the same, and the Receipts, 'and Disbursements in every Year; and that Regulations should 'be made concerning the Sale or Letting of any Part of the Pro-'perty of the said Royal Burghs and the granting Securities upon 'the same; and that Provision should be made for preventing and 'redressing any Error or Wrong that may be committed in the 'Administration of the Common Good of the said Burghs, or in 'collecting the Cess or any local Tax or Imposition within the 'same: And Whereas it is also expedient, where the Manage-'ment of the Funds of any Charity is exclusively intrusted to 'the Magistrates and Town Council of any Burgh, or exclusively 'to any Number of them, that an Account should be regularly stated

'stated and exhibited of the said Funds and Administration 'thereof:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, a particular Account of the Common Good and Revenues of every Royal Burgh of *Scotland*, made up to the Day preceding the general Annual Election of Magistrates in each Burgh, shall be annually stated and deposited in the manner directed by this Act; which Account shall be so made out as to exhibit a complete State, shewing the Common Good of each Burgh, classed under different Heads, specifying as well the Amount of the Debt or Debts owing by each Burgh, as the Property thereof; also the Amount of each Branch of Revenue, distinguishing how much thereof shall have been received, and how much thereof shall be in arrear or remaining unpaid at the Date of such Account; also the Amount of all Sums received, or Loans contracted for, Annuities granted, and Sums received in consideration thereof, or on Sale or Alienation of Property, distinguishing the same from the ordinary Revenue; and also showing every Sum paid, and every Sum remaining unpaid for or by reason of any Expence incurred during the Year for which such Account shall be so made out; distinguishing the fixed or ordinary from the casual or incidental Expenditure, and also showing all cautionary Obligations, positive or conditional, incurred by or on account of such Burgh, distinguishing such as shall have been incurred during the Year; and every such Account shall be certified by the Provost or acting Chief Magistrate of the Burgh for that Year, in Words or to the Effect following:

Account of the Revenues of the Burghs, specifying the Particulars herein mentioned, shall be stated annually.

Account to be certified by the Provost.

'I Provost [*or, as the case may be*, acting 'Chief Magistrate, for the Period between the Day 'of and the Day of *as the case 'may be*] of the Burgh of hereby certify, That this 'Account contains a true and complete State of the whole Property and Funds belonging to the said Burgh, and of the Debts 'due to and by the Corporation thereof, at this Date; and also a 'true and complete State of the Revenue and Expenditure of 'the said Burgh, and of the cautionary Obligations affecting the 'same, to the best of my Knowledge and Belief, during the Year 'commencing on the and ending on the 'Witness my Hand this Day of in the 'Year .'

Form of Certificate.

II. And be it enacted, That if such annual Account shall not be made out and deposited in the Manner and at the Time herein directed, the Provost, Magistrates and Members of the Town Council of any Royal Burgh failing or neglecting to make out and deposit such Account, shall severally be subject to a Penalty not exceeding Fifty Pounds each; to be recovered, with Costs of Suit, upon Information to the Court of Exchequer, at the Suit of any Three or more Burgesses of such Burgh; One Half of which Penalty shall go to the Common Good of the said Burgh, and the other Half shall go to the Burgesses suing for the same, or shall be applied to such Purpose as the said Court shall think fit, in Whole or in Part, as the said Court shall direct.

Neglect.

Penalty.

Inspection of Account allowed to Burgesses.

III. And be it enacted, That every such annual Account shall be deposited in the Office of the Town Clerk of the Burgh to which it appertains, within Three Months after the annual Election of the Magistrates thereof; and such Account shall remain there for Thirty Days after the Expiration of the said Three Months, open to the Inspection of the Burgesses, who may state Objections thereto in Writing, either during that Time or within Two Months after the Expiration of the said Thirty Days, and be entitled to call, in Writing, for the Production of any particular Vouchers; and if upon such Objections being made, the Party or Parties making the same shall not be satisfied with the Explanations which may or shall be thereupon given, it shall and may be lawful for any Three or more Burgesses of such Burgh, within Three Calendar Months after the Expiration of the said Thirty Days, to make Complaint in Writing to the Barons of the Court of Exchequer in *Scotland*, who shall proceed to determine the same in a summary manner, and to make and establish such Rules and Regulations as to the said Barons shall seem meet, for hearing and determining all Matters that may come before them upon such Complaints: Provided always, that no Objection shall be stated in any such Complaint, that had not been previously, during the Time above mentioned, stated in Writing, to the Accounts, unless upon sufficient Cause shown, to the Satisfaction of the said Barons, why such Objection was not then stated.

Complaint may be made to Barons of Exchequer.

Proviso as to stating Objection to Account.

Where Magistrates are Trustees for any Charity, an Account of the Funds thereof shall also be stated annually for Inspection.

Neglect.

Penalty, 50l.

IV. And be it enacted, That where the Magistrates and Members of the Town Council of any Burgh, or any Number of them, are the sole Trustees for any Charity, Foundation or Mortification, then and in every such case, an Account shall be annually stated and certified in the manner herein before directed, distinct from the Account relative to the Common Good and Revenues of such Burgh; and such Account relative to such Charity, Foundation or Mortification, shall be deposited in the Town Clerk's Office as aforesaid, at the same Time that the annual Account relative to the Common Good of the Burgh shall be deposited there, and shall be open to the Inspection of the Burgesses; and if such annual Account relative to such Charity, Foundation or Mortification, shall not be so stated and deposited, then the Magistrates and Members of the Town Council of such Burgh, or such Number of them as shall be Trustees for such Charity, Foundation or Mortification, shall severally be subject to a Penalty of Fifty Pounds each, to be recovered and applied as the said Penalty upon any Provost, Magistrates and Members of the Town Council of any Burgh, neglecting to state and deposit an annual Account, the Common Good thereof in the manner herein directed may be recovered and applied.

Regulations as to Feus or Alienations.

V. And be it enacted, That the Magistrates and Council of every Royal Burgh shall hereafter cause all Feus, Alienations or Tacks for more than One Year, of any Heritable Property, being Part of the Common Good of such Burgh, or Tacks of the Common Good, to proceed by Public Roup or Auction, of which Public Notice shall be given by Advertisement, published once at least Twenty Days preceding the Day of Roup or Auction in some Newspaper printed in such Burgh, if any such Newspaper is there printed, and if no such Newspaper is there printed, then in some

Notice in Newspapers.

Newspaper

Newspaper published in the County wherein such Burgh is situated, or if no such Newspaper is published in such County, then in a Newspaper published in the next adjoining County or Counties in Circulation in such Burgh, and also by written or printed Notices affixed and continued upon at least Three conspicuous Places in the said Burgh, of which the Door of the principal Church shall be one, at least Twenty Days preceding the Day of such Roup or Auction.

And affixed in public Places.

VI. Provided always, and be it enacted, That no such Notice of Feus or Alienations shall be given, until an Act of the Town Council shall be made, specifying the Particulars thereof; and provided also, that such Notice of Sale as is herein directed in a Newspaper, shall be for the first Time given during an Exchequer Term, and at least Twelve Days before the End of such Term, in order that the Court of Exchequer may grant an Injunction, upon Application made for that Purpose by any Three Burgesses, against the proceeding to make any such Feu or Alienation, if it shall appear proper to the said Court so to do; and which Injunction the said Court is hereby empowered to grant, or otherwise to do in the Matter of any such Application as to the said Court shall seem just.

In Cases of Feus or Alienations, Act of Council to be previously made, and Exchequer Term to intervene.

VII. And be it further enacted, That in future every Collector or other Person employed in the Collection or levying of Cess, Stent or any local Tax or Imposition leviable within any Royal Burgh in *Scotland*, shall separately and distinctly specify in every Receipt to be given for the same, for what Purpose, by what Authority, and at what Rate, or according to what Rule every such Sum or Imposition is demanded from the Burgesses and Inhabitants of such Burgh, under a Penalty not exceeding Ten Pounds for each Offence; One Half to be paid to the Informer, and the other Half to go to the Common Good of the Burgh; to be recovered with Costs of Suit in the same Way and Manner as any Penalty against any Provost, Magistrates or Members of the Town Council may be recovered by this Act.

What Particulars Collector to specify in every Receipt to be given.

Penalty.

VIII. And be it enacted, That if any Feus or Alienations, or Leases for more than One Year, of any Part of the Heritable Property or Tacks of the Common Good of any such Burgh, shall be made otherwise than by Public Roup or Auction, or without such Notice as aforesaid, then the Provost, Magistrates and Members of the Council of such Burgh, making, authorizing or directing any such Feus, Alienations, Leases or Tacks, or being otherwise instrumental therein, shall severally forfeit a Sum not exceeding Fifty Pounds each; to be recovered and applied as the said Penalty upon any Provost, Magistrates or Members of the Town Council of any Burgh, neglecting to state and deposit an annual Account of the Common Good thereof, in the manner herein directed, may be recovered and applied; and it is hereby declared, that all such Feus, Alienations, Leases or Tacks, made otherwise than by Public Roup as before directed, shall be altogether void and null, save and except in the Case hereinbefore provided.

Feus or Alienations made otherwise than by Public Auction.

Penalty.

IX. And be it further enacted, That in all Cases in which a Complaint is allowed to be made to the Court of Exchequer under this Act, it shall and may be lawful for the said Court to find and

Provision as to Costs.

adjudge either the Party or Parties complaining or complained of liable in Costs.

Limitation of Complaint.

X. And be it further enacted, That in the Event of no Complaint being made to any annual Account within the time herein limited, it shall not be competent thereafter to complain to such Court in regard to such Account.

No Debt contracted, &c. without previous Act of Council.

XI. And be it further enacted, That it shall not be lawful for the Magistrates or the Town Council of any Burgh, to contract any Debt, grant any Obligation, make any Agreement or enter into any Engagement, which shall have the Effect of binding them or their Successors in Office, unless an Act of Council shall have been previously made in that behalf; and any such Contract, Obligation, Agreement or Engagement, made or entered into without such Act of Council, shall be void and null as against the Common Good of the Burgh, or the succeeding Magistrates or Town Council thereof, without prejudice nevertheless to the personal Liability and Responsibility of the Persons by whom the same may have been made or entered into.

Personal Liability.

Penalties and Expences not paid from the Common Good.

XII. And be it further enacted, That any Penalties and Expences, in which any Magistrates or Members of the Town Council of any Royal Burgh may be personally subjected by virtue of this Act, or any Part thereof, shall on no account be paid from or taken out of the Common Good or Revenue of such Burgh: Provided always, that the Parties making any Complaint, or bringing any Information under this Act, shall within Eight Days after the same shall be made or brought as aforesaid, enter into a Recognizance to pay Costs of Suits in case the same shall be awarded.

Recognizance to pay Costs.

CAP. XCII.

An Act to explain an Act of the Fifty third Year of the Reign of His late Majesty, respecting the Enrolment of Memorials of Grants of Annuities. [29th *July* 1822.]

53 G.S. c. 141. § 2.

'WHEREAS by an Act of Parliament made and passed in the Fifty third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal an Act of the Seventeenth Year of the Reign of His present Majesty, intituled An Act for registering the Grants of Life Annuities, and for the better Protection of Infants against such Grants,' and to substitute other Provisions in lieu thereof*, it is enacted, That within Thirty Days after the Execution of every Deed, Bond, Instrument or other Assurance, whereby any Annuity or Rent Charge shall, from and after the passing of the said Act, be granted for One or more Life or Lives, or for any Term of Years or greater Estate determinable on One or more Life or Lives, a Memorial of the Date of every such Deed, Bond, Instrument or other Assurance of the Names of all the Parties, and of all the Witnesses thereto, and of the Person or Persons for whose Life or Lives such Annuity or Rent Charge shall be granted, and of the Person or Persons by whom the same is to be beneficially received, shall be enrolled in the High Court of Chancery, in the Form or to the Effect following, with such Alterations therein as the Nature and Circumstances of any particular Case may reasonably require: And Whereas the Form or Effect to which

'which such Enactment refers is expressed in several Columns, 'at the Head of One of which are the Words, "Names of Wit-'nesses," and underneath, as applicable to Indentures of Lease 'and Release, the Letters and Words "E. F. of" "G. H. of" and 'as applicable to a Bond and Warrant of Attorney to confess 'Judgment, the Letters "E. F." "G. H." without the Word '"of:" And Whereas the Words of Enactment referring to such 'Form express only that a Memorial of the Names of all the Wit-'nesses to every such Deed, Bond, Instrument or other Assurance 'as therein mentioned, should be enrolled as directed by the said 'Act, without providing that any Description of the Witnesses 'should be given in such Memorial, except as such Form is 'thereby referred to; and such Form does not provide that any 'Description should be added to such Names except by the Ad-'dition of the Word "of" to the Letters "E. F." and "G. H." as 'aforesaid, as applicable to Indentures of Lease and Release: 'And Whereas in consequence of such indistinct Enactment it may 'be doubtful, whether it was the Intention of the Legislature to 'require any, or if any, what Description to be added to the Names 'of Witnesses in the Memorial of any Deed, Instrument or As-'surance to be enrolled as aforesaid: And Whereas a very great 'Number of Memorials of Grants of Annuities have, since the 'passing of the said Act, been enrolled, in which the Names of 'the Witnesses to the Deeds, Instruments or Assurances specified 'in such Memorials, have been inserted without the Addition of 'the Place of Abode of such Witnesses; and it has been in-'ferred, from the Use of the Word "of" after such Letters '"E. F." and after such Letters "G. H." as aforesaid, that it 'was necessary to describe each of such Witnesses in such Me-'morial as of some Place, and in consequence thereof some Grants 'of Annuities made since the passing of the said Act have been, 'in Proceedings in summary Applications to Courts of Justice, 'which cannot be reviewed in any Superior Court, deemed null 'and void, on the Ground that no Description of the Place of 'Abode of the Witnesses to some or one of the Deeds, Instru-'ments or Assurances by which such Grants of Annuities have 'been made, had been inserted in the Memorials or Memorial 'thereof enrolled as directed by the said Act: And Whereas 'Doubts have been entertained whether the Construction so put 'on the said Act is the true Construction thereof, more especially 'as the same is so far penal as it renders Deeds, Instruments 'and Assurances, of which Memorials have not been enrolled in 'pursuance of the said Act, null and void, and the Provisions 'in the said Act are not so clear and explicit as the same ought 'to have been under such Circumstances, and the Parties claiming 'under Grants of Annuities may have been thereby misled, and 'induced to conceive that it was not necessary under the Pro-'visions of the said Act to insert in the Memorial of any Deed, 'Instrument or Assurance to be enrolled as aforesaid, the Place 'or Places of Abode of the Witness or Witnesses to such Deed, 'Instrument or Assurance, or any more than the Name or Names 'of such Witness or Witnesses, there being no Words in the said 'Act expressly requiring any more to be so inserted, nor any 'Words from which it could be inferred that any more was re-

'quired to be so inserted, except the Word "of" after the Letters "E. F." and "G. H." respectively, with reference to one 'Species of Assurance inserted in the Form of Memorial before 'mentioned; and it is expedient to remove all Doubts touching 'the Construction of the said Act, with respect to so much of 'the Memorials required by the said Act to be enrolled as re-'lates to any Description of the Witness or Witnesses to any Deed, 'Instrument or Assurance:' May it therefore please Your Majesty, that it may be enacted and declared; And be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That by the said Act of the Fifty third Year of the Reign of His said late Majesty, no further or other Description of the subscribing Witness or Witnesses to any Deed, Bond, Instrument or other Assurance, whereby any Annuity or Rent Charge is or may be granted, is required in the Memorial thereof, besides the Names of all such Witnesses; and so the said Act shall be deemed, construed and taken.

The Names of Witnesses only necessary in Memorial of Annuities.

'II. And Whereas Doubts have also arisen, whether under the 'said Act of the Fifty third Year of the Reign of His said late 'Majesty, the Omission to enrol a Memorial of any one of the 'Assurances for securing any Annuity or Rent Charge does not 'vitiate the whole Transaction, notwithstanding the Enrolment of 'a Memorial of another Deed, Bond, Instrument or other As-'surance granting the same; and it is also expedient to remove 'such Doubts;' Be it therefore further enacted and declared, That every Deed, Bond, Instrument or other Assurance granting any Annuity or Rent Charge, and of which a Memorial shall have been or shall be duly enrolled pursuant to the said Act, notwithstanding the Omission to enrol any other Deed, Bond, Instrument or Assurance for securing such Annuity or Rent Charge, shall be valid and effectual, according to the Intent, Meaning and true Effect thereof, notwithstanding a Memorial of any other Deed, Bond, Instrument or Assurance for securing the same Annuity shall not have been duly enrolled pursuant to the said Act.

Annuity Deed, a Memorial of which has been enrolled, valid, notwithstanding Omission of enrolling any other Deed for securing such Annuity.

III. Provided always, and be it further enacted, That nothing herein contained shall extend to give any other Force or Validity to any Deed, Bond, Instrument or other Assurance of which a Memorial shall have been duly enrolled as aforesaid, than such Deed, Bond, Instrument or other Assurance would have had if any Deed, Bond, Instrument or other Assurance for securing the same Annuity, of which a Memorial shall not have been duly enrolled, had never been executed.

Act not to give any additional Validity to any Deed.

VI. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to revive or give effect to any Deed, Bond, Instrument or other Assurance, whereby any Annuity or Rent Charge hath been already granted, so far as the same hath been adjudged, declared, treated or deemed void by any Judgment, Decree, Action, Suit or Proceeding at Law or in Equity, or by any Acts or Deeds of the Parties thereto, or by any other legal or equitable Means whatsoever; nor shall this Act affect or prejudice any Suit or Proceeding at Law or in Equity, commenced on or before the Thirty first Day of *May* One thou-

Act not to give Effect to any Deed declared void, or affect any Proceedings at Law commenced as herein mentioned.

and eight hundred and twenty two, and now depending, upon the Ground of an alleged Defect in the Memorial thereof, in not describing the Witnesses thereto otherwise than by his, her or their Name or Names, for avoiding any such Deed, Bond, Instrument or other Assurance.

CAP. XCIII.

An Act for carrying into Execution an Agreement between His Majesty and the *East India* Company.

[30th *July* 1822.]

'Most Gracious Sovereign,

'WHEREAS by an Act passed in the Fifty second Year of 'the Reign of His late Majesty King *George* the Third, 'intituled *An Act for advancing Two millions five hundred thou-* 'sand Pounds to the East India *Company, to enable them to dis-* 'charge Part of the Indian *Debt*, it was enacted, That it should 'and might be lawful to and for the Commissioners of His Ma- 'jesty's Treasury, or any Three or more of them, and they were 'thereby required, at any Time before the First Day of *January* 'One thousand eight hundred and thirteen, to advance and pay to 'the said United Company, out of the Sum of Twenty two mil- 'lions five hundred thousand Pounds to be raised by Loan, as in 'the said Act is mentioned, any Sum or Sums of Money not ex- 'ceeding in the whole the Sum of Two millions five hundred 'thousand Pounds, and at such Times as should be required by 'the said United Company; and it was provided that it should 'be lawful to and for the Commissioners of His Majesty's Trea- 'sury, or any Three or more of them, to order and direct that a 'Sum, after the Rate of Eight hundred Pounds for every Million 'of the said Two millions five hundred thousand Pounds, should 'be deducted out of the Sum or Sums of Money to be advanced 'and paid to the said United Company, to reimburse the Charges 'to be incurred in and about the receiving, paying and account- 'ing for the said Loan; and that the said United Company, pre- 'vious and in preference to the Payment of any Dividend to the 'Proprietors of *East India* Stock, should pay annually into the 'Hands of the Governor and Company of the Bank of *England*, 'by Two equal Half yearly Payments, the Sum of Ninety thou- 'sand Pounds, being the Interest after the Rate of Three Pounds 'per Centum on the Sum of Three millions Reduced Three Pounds 'per Centum Annuities, created in respect of the principal Sum 'of Two millions five hundred thousand Pounds, Part of the said 'Loan of Twenty two millions five hundred thousand Pounds; 'and also the further Sum of Fifty five thousand four hundred and 'ten Pounds, by Two equal Half yearly Payments, on Account of 'the Sinking Fund, for the Redemption of the said Sum of Three 'Millions Reduced Three Pounds *per Centum* Annuities; the 'said Half yearly Payment to commence on the Fifth Day of 'October One thousand eight hundred and twelve, and to con- 'tinue to be made on or before the First Day of *April* and the 'Fifth Day of *October* in each succeeding Year; and that the said 'United Company should pay annually into the Hands of the said 'Governor and Company of the Bank of *England*, to the Account

52 G. 3. c. 135. § 1.

'thereinbefore mentioned, in Two equal Half yearly Payments, 'the Sum of Forty two thousand Pounds, being the Interest after 'the Rate of Three Pounds *per Centum* on the Sum of One mil- 'lion four hundred thousand Pounds Consolidated Three Pounds 'per Centum Annuities, created in respect of the said principal 'Sum of Two millions five hundred thousand Pounds, Part of the 'said Loan of Twenty two millions five hundred thousand Pounds; 'and also of the further Sum of Fifty five thousand four hundred 'and ten Pounds, by Two equal Half yearly Payments, on Account 'of the Sinking Fund, for the Redemption of the said Sum of One 'million four hundred thousand Pounds Consolidated Three 'Pounds *per Centum* Annuities; the said last mentioned Half 'yearly Payments to commence on the First Day of *July*, and to 'continue and be made on or before the First Day of *January* 'and First Day of *July* in each succeeding Year; and that over 'and besides the said several Sums of Ninety thousand Pounds, 'and Fifty five thousand four hundred and ten Pounds, and Forty 'two thousand Pounds, and Fifty five thousand four hundred and 'ten Pounds, thereinbefore mentioned, the said United Company 'should pay into the Hands of the Governor and Company of the 'Bank of *England*, by Half yearly Payments, such Sum and Sums 'of Money as, pursuant to an Act of Parliament made and passed
48 G. 3. c. 4. 'in the Forty eighth Year of the Reign of His said late Majesty, 'intituled *An Act to authorize the advancing for the Public Ser- 'vice, upon certain Conditions, a Proportion of the Balance remain- 'ing in the Bank of* England, *for Payment of unclaimed Dividends, 'Annuities and Lottery Prizes, and for regulating the Allowances 'to be paid for the Management of the National Debt*, should be 'payable in respect of the Charges of Management of the said Two 'several Sums of Three Millions Reduced Three Pounds *per Cen- 'tum* Annuities, and One million four hundred thousand Pounds 'Consolidated Three Pounds *per Centum* Annuities, or so much 'thereof respectively as from time to time should remain unre- 'deemed; and it is by the said first mentioned Act provided, That 'it should be lawful to and for the said United Company, if they 'should see fit, at any time, and from time to time, to pay into 'the Hands of the said Governor and Company of the Bank of 'England, any further Sum or Sums of Money beyond the said 'Two several annual Sums of Fifty five thousand four hundred 'and ten Pounds, and Fifty five thousand four hundred and ten 'Pounds, on account of the Sinking Fund, for the Redemption
52 G. 3. c. 135. § 9. 'of the said Two Capital Sums of Three Millions Reduced Three 'Pounds *per Centum* Annuities, and One million four hundred 'thousand Pounds Consolidated Three Pounds *per Centum* An- 'nuities; and by the same Act it is enacted, That a separate 'Account should be kept of the Amount of the Capital Stock of 'the Public Annuities of *Great Britain*, bearing an Interest of 'Three Pounds *per Centum*, purchased or redeemed by the 'Operations of the said Two several Sums of Fifty five thousand 'four hundred and ten Pounds, and Fifty five thousand four hun- 'dred and ten Pounds, and such other Sum or Sums of Money 'as from time to time might be paid into the Hands of the Go- 'vernor and Company of the Bank of *England*, or their Cashier, 'on account of the Sinking Fund, for the Redemption of the said

'Two

'Two several Capital Sums of Three Millions Reduced Three 'Pounds *per Centum* Annuities, and One million four hundred 'thousand Pounds Consolidated Three Pounds *per Centum* An- 'nuities, and also of the Dividends payable out of any Stock re- 'deemed or purchased therewith; and whenever and so soon as 'the Sum of Four millions four hundred thousand Pounds Capital 'Stock of the Public Annuities of *Great Britain*, bearing an In- 'terest of Three Pounds *per Centum*, being the Amount of the 'said Two several Sums of Three Millions Reduced Annuities, 'and One million four hundred thousand Pounds Consolidated 'Annuities, created by the said Sum of Two millions five hun- 'dred thousand Pounds, should have been purchased or redeemed 'by the Operation of the said Two several Sums of Fifty five 'thousand four hundred and ten Pounds, and Fifty five thousand 'four hundred and ten Pounds, and such other Sum or Sums of 'Money as might be paid on account of the said Sinking Fund, 'as thereinbefore mentioned, and of the Dividends payable on 'any Stock redeemed or purchased therewith, then and from 'thenceforth the several Payments thereinbefore provided for the 'Interest, Sinking Fund, and Charges of Management thereof 'respectively, should wholly cease and determine, and the said 'United Company should be wholly acquitted from all future De- 'mands in respect thereof; and by the same Act it is further § 11.
'enacted, that the several Sums of Money payable or to be paid 'for Interest, Sinking Fund and Charges of Management of the 'said several Sums of Three Millions Reduced Three Pounds *per* '*Centum* Annuities, and One million four hundred thousand 'Pounds Consolidated Three Pounds *per Centum* Annuities, 'should be and be deemed and considered to be a Charge upon 'the Revenues of the territorial Acquisitions in the *East Indies*, 'in like manner as if the Interest payable in respect of the *Indian* 'Debts, which had been or might be discharged by means of the 'said principal Sum of Two millions five hundred thousand Pounds, 'had remained payable in the *East Indies*; and it should and 'might be lawful to and for the said United Company to cause 'Funds for the Payment of such Interest, Sinking Fund and 'Charges of Management, and all Sums of Money which they 'should have become liable to pay in respect thereof, to be ap- 'propriated and provided out of the *Indian* Revenues, and to be 'remitted to *England* in the same Order of Preference in which 'the Interest on such Debts so discharged would have been pay- 'able, if they had remained due and owing in the *East Indies*; 'any Law, Usage, or Statute to the contrary thereof in any wise 'notwithstanding: And Whereas the said Sum of Two millions 'five hundred thousand Pounds was advanced and paid to the 'said United Company, in pursuance of the said recited Act: 'And Whereas by an Act passed in the Fifty third Year of the 53 G.3. c. 155.
'Reign of His late Majesty King *George* the Third, intituled *An* 'Act for continuing in the East India *Company, for a further* 'Term, the Possession of the British *Territories in* India, *together* 'with certain exclusive Privileges; for establishing further Regu- 'lations for the Government of the said Territories, and the better 'Administration of Justice within the same; and for regulating 'the Trade to and from the Places within the Limits of the said 'Company's

§ 58. 'Company's Charter, it was enacted, That the Interest and Sinking Fund, which by the said Act of the Fifty second Year of His said late Majesty's Reign, the said Company were required to pay, should continue to be a territorial Charge upon the said Company, and should be accounted for as such out of the territorial Revenues of *India*: And Whereas the said United Company have paid the several Sums which by the said Act they were required to pay for Interest and Sinking Fund, and Charges of Management, in respect of the said Advance, to the First Day of *July* One thousand eight hundred and twenty two, and on the First Day of *June* One thousand eight hundred and twenty two, the estimated Sum of Two millions thirty four thousand four hundred and sixty one Pounds Capital Stock of the Public Annuities of *Great Britain*, bearing an Interest of Three Pounds *per Centum*, had been purchased or redeemed by the said Payments on account of the Sinking Fund and the Dividends payable on the Stock redeemed from time to time therewith, and the estimated Sum of Two millions three hundred and sixty five thousand five hundred and thirty nine Pounds of the said Capital Stock then remained to be purchased or redeemed for the full Discharge of the said Sum so advanced to the said United Company; and according to the Price prevailing on the First Day of *June*, the said Sum of Two millions three hundred and sixty five thousand five hundred and thirty nine Pounds of the said Capital Stock was then worth the Sum of One million eight hundred and fifty seven thousand three hundred and twenty two Pounds of lawful Money of *Great Britain*: And

33 G. 3. c. 52. Whereas by an Act passed in the Thirty third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing in the* East India *Company, for a further Term, the Possessions of the* British *Territories in* India, *together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company, and for making Provision for the good Order and Government of the Towns of* Calcutta, Madras *and* Bombay, it is enacted, That from the Twenty fourth Day of *December*

§ 126. One thousand seven hundred and ninety two, all Sums issued by the Paymaster General of His Majesty's Forces, for and on account of His Majesty's Forces serving in *India*, or for raising and supplying Recruits for the same, should be repaid by the said Company; and that the actual Expences only which since the said Twenty fourth Day of *December* One thousand seven hundred and ninety two had been, or which thereafter should be incurred, for the Support and Maintenance of the said Troops, should be borne and defrayed by the said Company: And Whereas under the said Provision of the said Act several Sums became due and owing to His Majesty, over and besides the Expences defrayed by the said United Company for the Support and Maintenance of His Majesty's Forces serving in *India* from time to time: And Whereas the said United Company have advanced or expended large Sums of Money for the Public Service of the United Kingdom, and also in relation to the Island of *Saint Helena*:

'And

'And Whereas several Sums of Money have been paid at different 'Times by his late Majesty, in pursuance of different Grants of Par- 'liament, to the said United Company, and certain other Sums 'have been received by the said Company in respect of such Ad- 'vances and Expences, or some of them, and the Remainder of 'such Advances and Expences still remain unpaid, and due and 'owing to the said Company: And Whereas it hath been agreed 'between the Commissioners of His Majesty's Treasury of the 'United Kingdom of *Great Britain* and *Ireland* and the Court of 'Directors of the said United Company, that the Sum of One 'million three hundred thousand Pounds shall be taken and 'deemed to be due and owing by His Majesty, His Heirs and 'Successors, to the said United Company, upon Balance of all 'Accounts whatever between them in relation to all the Matters 'aforesaid to the Thirtieth Day of *April* now last past; save and 'except in respect of the said Loan of Two millions five hun- 'dred thousand Pounds, advanced under and by virtue of the 'said Act of the Fifty second Year of the Reign of His late Ma- 'jesty, and save and except as hereinafter is mentioned; and that 'the said United Company should be entitled to keep to their own 'Use all Stores and public Property which may now remain in the 'Island of *Saint Helena*; and it hath been further agreed, that 'the said Sum of One million three hundred thousand Pounds 'shall be retained and applied, as far as it will extend, in satis- 'faction of the Debt remaining due by the said United Com- 'pany to the Public, in respect of the said Loan of Two millions 'five hundred thousand Pounds; and that upon Payment by 'the said United Company into the Receipt of His Majesty's 'Exchequer, as hereinafter is mentioned, of the further Sum 'of Five hundred and eight thousand six hundred and seventeen 'Pounds, which, with the said Sum of One million three hun- 'dred thousand Pounds, and the Sum of Forty eight thousand 'seven hundred and five Pounds, which has been paid by the 'said Company to the Commissioners for the Reduction of the 'National Debt, on the First Day of *July* One thousand eight 'hundred and twenty two, will make up the Sum of One million 'eight hundred and fifty seven thousand three hundred and 'twenty two Pounds, being the estimated Value of the Three 'Pounds *per Centum* Capital Stock remaining on the said First 'Day of *June* to be purchased or redeemed under or by virtue 'of the said Act of the Fifty second Year of the Reign of His 52 G. 3. c. 135. 'said late Majesty, the said United Company should be acquitted 'and discharged from all further Payments under the said Act, 'and in respect of the said Advance of Two millions five hundred 'thousand Pounds: And Whereas by an Act passed in the Fifty 'third Year of the Reign of His late Majesty King *George* the 'Third, intituled *An Act to alter and amend several Acts passed* 53 G. 3. c. 35. '*in his present Majesty's Reign, relating to the Redemption of the* '*National Debt, and for making further Provisions in respect* § 1. '*thereof*; it was enacted and declared, That for the Purposes 'of the said Act an Amount of Public Debt equal to the whole 'Capital of the Public Debt in perpetual redeemable Annuities 'existing on the Fifth Day of *January* One thousand seven hun- 'dred and eighty six, should be deemed to be satisfied and dis-

'charged,

'charged, and so much of the Capital Stock so purchased and 'transferred as therein mentioned, and standing in the Names of 'the Commissioners for the Reduction of the National Debt in 'the Books of the Governor and Company of the Bank of *Eng-* 'land, as Parliament by any Act or Acts of the said Session 'should or might direct, should be cancelled, in like manner 'as if the same had been transferred to the said Commissioners 'for the Redemption of the Land Tax, pursuant to the Provisions 'of the several Acts thereunto relating, in order to make Provi- 'sion for the Charge of any Addition to be made to the Public 'Funded Debt of *Great Britain*, by way of Loan or in any 'other manner, for the Service of the Year One thousand eight 'hundred and thirteen; and that when and so soon as such a fur- 'ther Amount of the Capital Funded Debt of *Great Britain* should 'have been purchased by the said Commissioners, or transferred 'to them for the Redemption of Land Tax, or the Purchase of 'Life Annuities, as together with the Amount so already pur- 'chased or transferred as aforesaid, should have produced an 'Interest or yearly Dividend equal in Amount to the whole an- 'nual Charge in perpetual redeemable Annuities of the Public 'Debt of *Great Britain* existing on the Fifth Day of *January* 'One thousand seven hundred and eighty six, the said Commis- 'sioners should thereupon certify and declare the same to the 'Lord High Treasurer or Commissioners of the Treasury for the 'time being, who should cause the said Certificate and Declara- 'tion to be published in the *London Gazette*, and to be laid 'before Parliament, (if Parliament should be then sitting,) but 'if Parliament should not be then sitting, then within Fourteen 'Days after the next Meeting of Parliament, and so from time 'to time, whenever such a further Amount of the Capital Funded 'Debt of *Great Britain* should have been purchased or trans- 'ferred as aforesaid, as should be equal to the whole Capital, and 'should have produced an Interest or yearly Dividend equal in 'Amount to the whole annual Charge, in perpetual redeemable 'Annuities, of each Loan contracted since the said Fifth Day of '*January* One thousand seven hundred and eighty six, the said 'Commissioners should from time to time thereupon, in like 'manner, certify and declare the same to the Lord High Trea- 'surer or Commissioners of the Treasury for the time being, 'who should in like manner cause every such Certificate and 'Declaration to be published in the *London Gazette* and to be 'laid before Parliament; and whenever any such Certificate and 'Declaration should have been so made, published, and laid be- 'fore Parliament as aforesaid, the Amount of Public Debts to 'which such Certificate and Declaration should relate, should 'from time to time be deemed and taken to be wholly satisfied 'and discharged, and an equal Amount of Capital Stock, stand- 'in the Names of the said Commissioners in the Books of the 'Governor and Company of the Bank of *England*, or of the '*South Sea* Company, should be considered to be redeemed by 'Parliament, and should from time to time be cancelled as above 'mentioned, at such Times and in such Proportions, as should be 'directed by any Act or Acts of Parliament to be passed for 'that purpose, in order to make Provision for the Charge of any

'Addition

'Addition to be made to the Public Funded Debt of *Great Britain*, by way of Loan or in any other manner: And it was thereby § 5.
'further enacted, That whenever the Amount of the Sum to be
'raised by way of Loan, or in any other manner, which might
'create an Addition to the Public Funded Debt of *Great Britain*,
'in that or any future Year, should exceed the Sum which on
'the First Day of *February* should have been, or should be esti-
'mated to be applicable in the same Year, to the Reduction of the
'National Debt, then and in every such case, an Annual Sum
'amounting to the One hundredth Part of the Capital Stock
'created by so much only of the Monies raised by way of Loan,
'or in any other manner as aforesaid, in the Year, as should be
'equal to the Sum so estimated to be applicable to the Reduction
'of the National Debt within the same Year, should be issued
'at the Receipt of the Exchequer, to the Account of the said
'Commissioners, in the manner directed by the said therein re-
'cited Act of the Thirty second Year of His present Majesty;
'and with respect to the Excess of the Monies which might be
'so received in any Year by way of Loan, or in any other man-
'ner as aforesaid, above the estimated Sum applicable to the Re-
'duction of the National Debt within the same Year, such an An-
'nual Sum as should be equal to One half of the Interest of such
'Excess, should be set apart out of the Monies composing the
'Consolidated Fund, and should in like manner be issued at the
'Receipt of the Exchequer, to the Governor and Company of the
'Bank of *England*, to be by them placed to the Account of the
'said Commissioners: And Whereas the Sum which on the First
'Day of *February* One thousand eight hundred and twenty two,
'was estimated to be applicable in the present Year to the Re-
'duction of the National Debt, amounted to Sixteen millions four
'hundred and eighty one thousand four hundred and ninety two
'Pounds: And Whereas the Charge for Interest of the Remainder
'of the said Loan of Two millions five hundred thousand Pounds,
'will amount to the Annual Sum of Seventy thousand nine hun-
'dred and sixty nine Pounds and Thirteen Shillings: And
'Whereas it is expedient to make Provision for such Charge, in
'manner directed by the said first recited Act: We, Your Ma-
'jesty's most dutiful and loyal Subjects, the Commons of the
'United Kingdom of *Great Britain* and *Ireland* in Parliament
'assembled, towards raising the necessary Supplies to defray
'Your Majesty's Public Expences, do most humbly beseech Your
'Majesty that it may be enacted;' And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Sum of Two millions three hundred and sixty five thousand six hundred and fifty five Pounds Three Pounds *per Centum* Consolidated Annuities, standing in the Names of the Commissioners for the Reduction of the National Debt, shall be cancelled on or before the Fifth Day of *July* One thousand eight hundred and twenty three, and the Interest or Dividends which would have been payable on the several Sums so cancelled, shall, from the Fifth Day of *January* One thousand eight hundred and twenty three, cease to be issued from the Receipt of the Exchequer, or be

Certain 3l. per Cent. Consols, standing in the Names of the National Debt Commissioners cancelled, and the Dividends to be Part of

Consolidated Fund.

be charged upon the Consolidated Fund, and the Money which would have been applicable to the Payment thereof, shall remain and be a Part of the growing Produce of the Consolidated Fund of *Great Britain* and *Ireland*, for the Purpose of defraying the Charge occasioned by the Addition made to the Public Funded Debt of *Great Britain*, by the Transfer of the said Charge of the Remainder of the said Loan of Two millions five hundred thousand Pounds as aforesaid.

Final Balance stated, and Payment to be made by the Company, together with such further Sum as herein mentioned.

II. And be it enacted, That the said Sum of One million three hundred thousand Pounds, shall be deemed and considered to be the final Balance of all Accounts to the Thirtieth Day of *April* now last past, between His Majesty, His Heirs and Successors, and the said United Company; save and except in respect of the said Loan under the said Act of the Fifty second Year of the Reign of His said late Majesty, and as hereinafter is mentioned; and that the same shall be applied and considered to be applied, as far as it will extend, in Satisfaction of the said Loan, and shall be deemed to have been reeeived by the said United Company on the Territorial and Political Account; and that it shall be lawful for the said United Company to pay or cause to be paid into the Receipt of His Majesty's Exchequer at *Westminster*, on or before the Tenth Day of *October* now next ensuing, the further Sum of Five hundred and eight thousand six hundred and seventeen Pounds, making, together with the said Sum of One million three hundred thousand Pounds and the said Sum of Forty eight thousand seven hundred and five Pounds, which has been paid by the said Company to the Commissioners for the Reduction of the National Debt, the said Sum of One million eight hundred and fifty seven thousand three hundred and twenty two Pounds, in full Satisfaction and Discharge of the said Loan; and the separate Account of the Redemption of the said Loan, required to be kept by the said recited Act of the Fifty second Year of the Reign of His late Majesty hereinbefore mentioned, shall, from and after the Fifth Day of *July* One thousand eight hundred and twenty two, cease and determine.

East India Company, on Payment of the Money, to be finally discharged of Payments herein mentioned.

III. And be it further enacted, That from and after such Payment by the said United Company into His Majesty's Exchequer, as hereinbefore is mentioned, the said United Company shall be and they are hereby acquitted, exonerated and absolutely and for ever discharged of and from all further Payments whatsoever in respect of the Interest, Sinking Fund, Charges of Management or otherwise howsoever, under or by virtue of the said Act of the Fifty second Year of the Reign of His said late Majesty, or in any wise relating to or by reason of the Loan or Advance of Two millions five hundred thousand Pounds therein and hereinbefore mentioned; and that the said United Company shall be and they are hereby acquitted, exonerated and absolutely and for ever discharged of and from all Sums of Money due and owing by them for and on account of His Majesty's Troops serving in *India*, computed to the said Thirtieth Day of *April* One thousand eight hundred and twenty two, and from all Claims and Demands of His Majesty, His Heirs and Successors, in respect thereof, or on any Account whatsoever in relation to the Matters aforesaid, up to the said Thirtieth Day of *April* One thousand eight hundred and

and twenty two, save and except as hereinafter is mentioned; and that all Accounts between the Paymasters General of His Majesty's Forces and the said Company, shall be held to have been closed on the Thirtieth Day of *April* One thousand eight hundred and twenty two; and that His Majesty, His Heirs and Successors, shall be acquitted, released and discharged of and from all Claims and Demands whatsoever of the said Company, in respect of any Sums of Money advanced or paid by them for the Service of His Majesty in the *East Indies*, or in relation to the Island of *Saint Helena*, or otherwise on any Account whatsoever in relation to the Matters aforesaid, to the said Thirtieth Day of *April* now last past, save and except as hereinafter is mentioned; and that all the Stores and Public Property which may now remain in the Island of *Saint Helena*, shall be and become the Property of the said United Company, for their own Use.

Public Property remaining in St. Helena to become Property of Company.

IV. Provided always, and be it further enacted, That nothing herein contained shall in any wise prejudice the Right of His Majesty, His Heirs or Successors, to any Spices belonging to His Majesty and now in the Possession of the said United Company, nor to the Proceeds of any such Spices as may have been sold by the said United Company on account of His Majesty and now unaccounted for; but His Majesty, His Heirs and Successors, shall have the same Right thereto and the same Remedies in respect thereof as if this Act had not been passed; and in like manner, nothing herein contained shall in any wise prejudice the Right of the said United Company, to all such Sum and Sums of Money as on the said Thirtieth Day of *April* now last past, was or were due, and owing or payable, by the Commissioners of His Majesty's Navy, for or on account of Hemp brought Home for and supplied to His Majesty, nor to Interest on any such Sum or Sums of Money; nor to any Bill or Bills of Exchange drawn or to be drawn in the *East Indies* on any Public Office or Offices of His Majesty's Government, in respect of current Public Services in *India*, prior to the said Thirtieth Day of *April* One thousand eight hundred and twenty two; but the said United Company and their Successors, shall have the same Rights thereto and Remedies in respect thereof, as if this Act had not been passed.

Proviso for His Majesty's Claims, in respect of Spices herein mentioned.

And also for certain Rights of the Company.

V. And be it further enacted, That the several Sums hereinbefore mentioned to have been and to be applied in Discharge of the Balance remaining of the said Loan of Two millions five hundred thousand Pounds shall be and be deemed and considered to be a Charge upon the Revenues of the Territorial Acquisitions in the *East Indies*, in like manner as the several Sums of Money which would have been payable or to be paid by the said United Company, for Interest and Sinking Fund and Charges of Management on the said Loan advanced to the said Company, under and by virtue of the said Act of the Fifty second Year of the Reign of His late Majesty, would have been chargeable upon such Revenues, if this Act had not been passed; any Law, Usage or Statute to the contrary thereof in any wise notwithstanding.

Sum paid to be a Charge on Territorial Revenues in the East Indies.

VI. And be it further enacted, That from and after the Fifth Day of *July* One thousand eight hundred and twenty two, the Interest or Annuities payable in respect of the Sum of One million nine hundred and eighty four thousand eight hundred and sixty one

Interest, &c. to be charged on Consolidated Fund, and set apart at Exchequer.

one Pounds Reduced Three Pounds *per Centum* Annuities, and Three hundred and eighty thousand seven hundred and ninety four Pounds Consolidated Three Pounds *per Centum* Annuities, remaining to be redeemed of the said respective Sums of Three millions Reduced Three Pounds *per Centum* Annuities, and One million four hundred thousand Pounds Consolidated Three Pounds *per Centum* Annuities, created by the said Loan of Two millions five hundred thousand Pounds, together with the Charges of Management payable in respect thereof, shall be charged, and the same are hereby made chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland;* and so much Money shall be set apart and issued at the Receipt of the Exchequer in *England*, from Time to Time, out of the said Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the same.

Commissioners to certify to Bank Amount of Stock redeemed to July 5, 1822, on account of Loan of 2,500,000*l.* to E. I. C., and on Production of Certificate Stock so redeemed cancelled.

VII. And be it further enacted, That the Commissioners for the Reduction of the National Debt, or their Secretary, shall certify to the Governor and Company of the Bank of *England* the Amount of the Reduced Three Pounds *per Centum* Annuities, and the Amount of Consolidated Three Pounds *per Centum* Annuities, which shall have been redeemed by the said Commissioners, up to the Fifth Day of *July* One thousand eight hundred and twenty two, on account of the said Loan of Two millions five hundred thousand Pounds to the said United Company; and upon the Receipt of the said Certificate at the Bank of *England*, the said Governor and Company of the said Bank shall thereupon cause the Amount of the Reduced Three Pounds *per Centum* Annuities and the Amount of the Consolidated Three Pounds *per Centum* Annuities specified in such Certificate to be cancelled and wrote off the Account of the said Commissioners in the Books of the said Governor and Company, and the Interest or Dividends which would have been payable thereon shall cease on and from the Fifth Day of *July* One thousand eight hundred and twenty two.

CAP. XCIV.

An Act to provide for the Collection and Payment of the Countervailing Duties and Drawbacks granted by an Act of this present Session on Malt and other Articles imported and exported between *Great Britain* and *Ireland*.

[30th *July* 1822.]

c. 31, ante.

'WHEREAS it is necessary to provide more effectually for the Management, Collection and Application of the Duties and Drawbacks granted and made payable by an Act made in the present Session of Parliament, intituled *An Act to grant Countervailing Duties, and to allow equivalent Drawbacks on Malt, Beer and Spirits imported and exported between* Great Britain *and* Ireland:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Duties under Commission-

That

That such of the Duties by the said Act imposed as shall have arisen or shall arise in that Part of *Great Britain* called *England*, shall be under the Management of the Commissioners of Excise in *England* for the time being; and such thereof as shall have arisen or shall arise in that Part of *Great Britain* called *Scotland*, shall be under the Management of the Commissioners of Excise in *Scotland* for the time being; and such thereof as shall have arisen or shall arise in that Part of the United Kingdom called *Ireland*, shall be under the Management of the Commissioners of Customs and Port Duties in *Ireland*.

ers of Excise in England and Scotland, and Customs in Ireland.

II. And be it further enacted, That all the Monies arising by the Duties by the said Act imposed (the necessary Charges of raising and accounting for the same excepted) shall from time to time be paid into the Receipt of His Majesty's Exchequer in *Great Britain* and *Ireland* respectively, and shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Application of Duties.

III. And be it further enacted, That the said Duties and Drawbacks by the said last recited Act imposed and granted and made payable, shall respectively be raised, levied, collected, recovered and paid in such and the like manner, and in or by any or either of the general or special Means, Ways or Methods, by which the former Countervailing Duties and equivalent Drawbacks on the like Articles respectively were or might be raised, levied, collected, recovered and paid; and the Persons, Goods, Wares, Merchandize or Commodities by the said Act respectively made liable to the Payment of or chargeable with the said Duties imposed, or entitled to the said Drawbacks respectively granted, by the said Act, shall be and the same are hereby made subject and liable to all and every the Conditions, Regulations, Rules, Restrictions and Forfeitures to which such Persons, Goods, Wares, Merchandize or Commodities were or might be generally or specially subject and liable by any Act or Acts of Parliament in force on and immediately before the passing of the said Act respecting the Duties of Excise or Customs or other Duties under the Management of the said Commissioners of Excise in *England* and *Scotland*, and of Customs and Port Duties in *Ireland* respectively; and all and every Pain, Penalty, Fine or Forfeiture of any Nature or Kind whatever, for any Offence whatever committed against or in Breach of any Act or Acts of Parliament in force on and immediately before the passing of the said Act, for securing the Revenue of Excise or Customs under the Management of the said Commissioners of Excise or Customs and Port Duties respectively, or for the Regulation and Improvement thereof, and the several Clauses, Powers and Directions therein contained, shall extend and are hereby directed and declared to extend to, and shall be respectively applied, practised and put in Execution for and in respect of the said several Duties and Drawbacks respectively by the said Act charged and imposed, in as full and ample manner to all Intents and Purposes whatsoever as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Fines, Pains, Penalties or Forfeitures had been particularly repeated and re-enacted in the Body of the said Act.

Duties how to be levied.

Former Acts for securing the Revenue of Excise or Customs extended to Duties and Drawbacks of recited Acts.

CAP. XCV.

An Act to reduce the Rate of Duties payable in respect of certain Carriages used and employed for the Purpose of conveying Passengers for Hire, and to make Regulations and Provisions relating to Stage Coaches and the Duties thereon. [30th *July* 1822.]

'WHEREAS it is expedient, in certain cases, to reduce the 'Rate of Duties now payable in respect of certain Car- 'riages, and to regulate the Rate of the said Duties in respect 'of certain other Carriages used or employed for the Purpose of 'conveying Passengers for Hire, granted and imposed by an Act
55 G.3. c.185. 'and Schedule thereto made and passed in the Fifty fifth Year of 'the Reign of His late Majesty King *George* the Third, intituled '*An Act for repealing the Stamp Office Duties on Advertise- 'ments, Almanacks, Newspapers, Gold and Silver Plate, Stage 'Coaches and Licences for keeping Stage Coaches, now payable in* 'Great Britain, *and for granting new Duties in lieu thereof;* and 'it is also expedient to carry into effect the Power given to the 'Commissioners of Stamps to require, that instead of the Inscrip-
50 G.3. c.48. § 7. 'tion mentioned in an Act made and passed in the Fiftieth Year 'of the Reign of His said late Majesty, intituled *An Act to repeal 'Three Acts, made in the Twenty eighth, Thirtieth and Forty sixth 'Years of His present Majesty, for limiting the Number of Persons 'to be carried on the Outside of Stage Coaches or other Carriages, 'and to enact other Regulations for carrying the Objects of the said 'Acts into effect*, a Plate made of Brass or other Metal should be 'fixed upon the Side of every Coach or Carriage, as far as the said 'last mentioned Act directs a distinct Number to be put upon such 'Plate; and it is also expedient that further Provisions should be 'made for better securing and facilitating the Recovery of the 'Duties upon Stage Coaches and other Carriages used for the 'Purpose of conveying Passengers for Hire:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the

Duties on certain Stage Coaches repealed.
55 G. 3. c. 185.

Authority of the same, That from and after the First Day of *September* One thousand eight hundred and twenty two, the Duties mentioned in the Schedule annexed to the said Act of the Fifty fifth Year of the Reign of His said late Majesty, and thereby made payable upon Stage Coaches or other Carriages with Two or more Wheels, which should be employed as public Stage Coaches or Carriages for conveying Passengers for Hire to or to and from any Place or Places in *Great Britain*, as far as the same relates to Carriages or Vehicles drawn by One or Two Horses, and not being upon or having the Aid or Assistance of any Spring or Springs, or (if drawn by One Horse) being upon or having the Aid or Assistance of any Spring or Springs, or if drawn by Two or more Horses, and such Carriages or Vehicles shall be made for the Accommodation of one Description of Passengers only, not distinguishing between Inside and Outside Passengers, and shall be upon or have the Aid or Assistance of any Spring or Springs, shall cease, determine

termine and be repealed; save and except as to so much and such Part of the said Duties as shall have become due or payable before or upon the said First Day of *September*, and shall remain in arrear or unpaid afterwards.

New Duties.

II. And be it further enacted, That from and after the said First Day of *September*, in lieu of so much of the said Duties hereby repealed, there shall be raised, levied, collected and paid unto and for the Use of His Majesty, His Heirs and Successors, in and throughout the Whole of *Great Britain*, the Rates and Duties or Sums of Money following; that is to say, for and in respect of any Carriage or Vehicle with Two or more Wheels, not being upon or not having the Aid or Assistance of any Spring or Springs of any Kind whatsoever, and which shall be kept, used, employed or let out for the Purpose of conveying Passengers for Hire, to or from or from and to different Places in *Great Britain*, and drawn by One Horse only, for every Mile that any such Carriage or Vehicle shall be licensed to travel, the Sum of One Penny; any such Carriage or Vehicle as above described, drawn by Two Horses only, for every Mile that such Carriage or Vehicle shall be licensed to travel, the Sum of Two Pence; any Carriage or Vehicle drawn by One Horse only, being upon or having the Aid or Assistance of any Spring or Springs of any Kind whatsoever, which shall be kept, used, employed or let out for the Purpose of conveying Passengers for Hire as aforesaid, for every Mile that any such Carriage or Vehicle shall be licensed to travel, the Sum of One Penny Halfpenny; any Carriage or Vehicle drawn by Two Horses only, being upon or having the Aid or Assistance of any Spring or Springs of any Kind whatsoever, but which shall be made for the Accommodation of one Description of Passengers only, not distinguishing between Inside and Outside Passengers, and which shall be kept, used, employed or let out for the Purpose of conveying Passengers for Hire as aforesaid, for every Mile that such Carriage or Vehicle shall be licensed to travel, the Sum of Three Pence; any such Carriage or Vehicle as last aforesaid, drawn by Three or more Horses, for every Mile that such Carriage or Vehicle shall be licensed to travel, the Sum of Four Pence Halfpenny.

Plates to be placed on Carriages.

III. And be it further enacted, That immediately from and after the passing of this Act, the Commissioners of Stamps in *Great Britain*, or the major Part of them, are hereby directed and required to provide proper and sufficient Plates, at the Expence of the Person or Persons applying for a Licence to keep, use, employ or let out any Carriage or Vehicle for the Purpose of conveying Passengers for Hire to or to and from any Place or Places in *Great Britain*, each Plate or Pair of Plates having thereupon a distinct Number, to be named by the said Commissioners, for the Purpose of being fixed or placed upon the Door, or if more than One, upon each Door, or upon some other Part or Parts of every Carriage or Vehicle used, employed or let out for the Purpose of carrying and conveying Passengers for Hire as aforesaid, (except Mail Coaches and Hackney Coaches duly licensed by the Commissioners of Hackney Coaches, or under any local Act or Acts relating to Hackney Coaches and not licensed by the said Commissioners of Stamps); and to alter and renew such Plate or

May be renewed.

Plates from time to time, as the said Commissioners of Stamps shall think necessary, or as Occasion shall require; and the said Commissioners or any other Persons authorized so to do, granting any such Licence as aforesaid, are hereby required and directed to deliver to the Person or Persons applying for such Licence, at the Time of granting the same, or at any other Time, as Occasion may require, such Plate or Plates to be placed or fixed upon every such Carriage or Vehicle as aforesaid, and to insert or cause to be inserted in the said Licence, the Number of the Plate or Plates so delivered in respect of such Carriage or Vehicle in respect of which such Licence shall be granted.

Plates to be affixed on each Door of such Carriages.

IV. And be it further enacted, That from and after the Thirty first Day of *August* One thousand eight hundred and twenty two, it shall not be lawful for any Person or Persons to use, employ or let out, or to permit or suffer to be used, employed or let out, any Carriage or Vehicle for the Purpose of conveying Passengers for Hire as aforesaid, before fixing or placing, or causing to be fixed or placed on the Door, or if more than One, upon each Door, or if there be no Door, upon one of the Pannels on each Side of such Carriage or Vehicle, or if there be no Pannels, then upon some conspicuous Part or Parts of such Carriage or Vehicle, one of the Plates hereby required to be fixed and placed thereupon; and in case such Plate shall at any time be broken or become illegible, the Person or Persons to whom any such Licence as aforesaid shall be granted, shall, within Three Days after such Plate shall be broken or become illegible, apply to the said Commissioners of Stamps, or to the Person authorized to grant such Licence, for a new Plate, or new Plates; and on Delivery to the said Commissioners, or to the Person authorized to grant such Licence, of the old Plate or Plates, or Part thereof, it shall be lawful for the said Commissioners of Stamps, and they are hereby authorized and empowered, to deliver a new Plate or new Plates of the same, or any other Number, to the Person or Persons whose Plate or Plates shall have been broken or become illegible as aforesaid, which new Plate or new Plates such Person or Persons is and are hereby directed and required, as soon as conveniently may be after the Receipt thereof, to affix or place, or cause to be affixed or placed, on such Carriage or Vehicle, as by this Act is directed.

New Plates in what Cases.

Not having such Plates,

V. And be it further enacted, That if any Person or Persons shall, from and after the said Thirty First Day of *August*, keep, use, employ or let out, or permit or suffer to be used, employed or let out, any Carriage or Vehicle for the Purpose of conveying any Passenger or Passengers for Hire to or from or from and to different Places in *Great Britain*, not having the Plate or Plates fixed or placed thereupon as hereby directed, or having any Plate or Plates fixed or placed on such Carriage or Vehicle as aforesaid, of a different or other Number than that mentioned in the Licence granted to such Person or Persons, or having any broken or illegible Plate or Plates on any such Carriage or Vehicle, such Person or Persons so offending in any or either of the said cases, shall forfeit, for every Day on which such Carriage or Vehicle shall be so used, employed or let out for Hire, the Sum of Twenty Pounds: Provided nevertheless, that

Penalty.

Penalty, 20l.

that nothing herein contained, shall be construed to charge any Person or Persons with the said Penalty of Twenty Pounds, to which he, she or they may become subject, between the Time of any such Plate or Plates having been broken or become illegible, and the Time hereby allowed for affixing or placing a new Plate or Plates on such Carriage or Vehicle as aforesaid, in the Place of any Plate or Plates that may have become broken or illegible.

What shall be deemed a Stage Coach.

VI. And be it further enacted, That every Carriage or Vehicle used, employed or let out for the Purpose of conveying Passengers for Hire to or from or from and to any Place or Places in *Great Britain*, and travelling at the Rate of Three or more Miles in the Hour, shall, without regard to the Number of Wheels or to the Number of Horses by which the same may be drawn, or to the Number of Passengers which the same shall or may be able or fitted to contain or carry, or to its being an open or close Carriage, be deemed and taken to be a Stage Coach or Carriage within the Meaning of this Act, or any former Act or Acts of Parliament relating to the Duties on Carriages or Vehicles kept, used and employed, or let out for the Purpose of conveying Passengers for Hire as aforesaid; Provided the Passenger or Passengers to be carried or conveyed by any such Carriage or Vehicle, shall be charged or shall pay separate and distinct Fares, or a separate and distinct Fare, or be charged at the Rate of separate and distinct Fares, for his, her or their Place or Seat, or Places or Seats therein, or Conveyance thereby respectively.

Proviso for distinct Fares.

What shall be deemed a Carriage or Vehicle within the meaning of this Act in Action, &c. brought.

VII. And be it further enacted, That in all Actions, Bills, Plaints, Informations or Proceedings, to be commenced, prosecuted, entered or filed in any of His Majesty's Courts of *Great Britain*, or before any Justice of the Peace or other Magistrate whatsoever in *Great Britain*, against any Person or Persons, for the Recovery of any Duty, Fine, Penalty or Forfeiture incurred under or by force of this Act, or any former Act or Acts of Parliament relating to the Duties on Carriages or Vehicles, kept, used, employed or let for the Purpose of conveying Passengers for Hire as aforesaid, if Evidence shall be offered and given that the Carriage or Vehicle in respect of which, or in any manner relating to which any such Action, Bill, Plaint, Information or Proceeding shall be commenced, prosecuted, entered or filed, was seen travelling or going upon any Turnpike Road or public Highway in *Great Britain*, such Carriage or Vehicle having fixed or placed thereupon a Plate or Plates as required by this Act to be fixed or placed upon Carriages or Vehicles used, employed or let out for the Purpose of conveying Passengers for Hire, or having painted or marked thereupon any of the Particulars required by any former Act or Acts of Parliament relating to such Carriages or Vehicles, such Carriages or Vehicles shall (unless the contrary be proved) be deemed and taken to be a Carriage or Vehicle kept, used, employed and let out for the Purpose of conveying Passengers for Hire to or from or from and to different Places in *Great Britain*; and that in all such Actions, Bills, Plaints, Informations or Proceedings, the Person or Persons described in the Licence granted in respect of such Carriage or Vehicle shall (unless the contrary be proved) be considered as the Person or

Who shall be deemed in such Actions, &c. the Person to whom Carriage belongs.

Persons to whom such Carriage or Vehicle doth belong, and shall be liable to the Duty or Duties, Penalty or Penalties, imposed by this Act, or any former Act or Acts of Parliament relating to the Duties on such Carriages or Vehicles as aforesaid.

Persons authorized to examine Plates, may enter Toll Houses.

VIII. And be it further enacted, That it shall and may be lawful for any Person or Persons duly authorized to examine the Plates by this Act directed to be fixed and placed upon Carriages or Vehicles used or employed for the Purpose of conveying Passengers for Hire, from time to time to enter into and remain in any Toll House or other Place, at the Gate or Bar of which any Toll is by Law payable, for the Purpose of examining such Plates.

Toll Collectors or others impeding Persons executing this Act,

IX. And be it further enacted, That if any Toll Collector or Toll Gate Keeper, or any other Person or Persons, shall refuse to permit any Person or Persons authorized to examine the Plates directed to be fixed and placed upon Carriages or Vehicles, used, employed or let out for the Purpose of conveying Passengers for Hire, from time to time to enter into and remain in any Toll House or other Place, at the Bar or Gate of which any Toll is by Law payable; or shall obstruct or hinder or molest such Person or Persons in entering into and remaining in such Toll House or Place as aforesaid, for the Purpose of examining such Plates; or if any Toll Collector or Toll Gate Keeper, or any other Person or Persons, shall in any way hinder, molest, interrupt or disturb any such Person or Persons authorized to examine such Plates, in the reasonable Use of such Toll House or other Place as aforesaid, for the Purpose aforesaid, every such Toll Collector or Toll Gate Keeper, and every Person aiding and assisting such Toll Collector or Toll Gate Keeper, and every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit the Sum of Twenty Pounds.

Penalty, 20l.

'X. And Whereas it is expedient that all and every the Carriages or Vehicles aforesaid, for or in respect or on account whereof the Duty which shall become due and payable by virtue of this Act, and the said Act of the Fifty fifth Year of His said late Majesty, and the Schedule thereto; and also all and every Horse and Horses, Harness and other Articles and Things used and employed for the Purpose of drawing such Carriages or Vehicles, should be made subject and liable to the Duties in Arrear and owing from time to time, by the Person or Persons to whom any such Licence so herein mentioned shall be granted:'

Carriages, Horses, &c. made liable for Payment of Duty.

Be it therefore further enacted, That from and after the said Thirty first Day of *August*, every Carriage or Vehicle for or in respect or on account whereof any Duty is imposed, or which shall become due and payable under or by virtue of this Act, or by the said Act of the Fifty fifth Year of the Reign of His said late Majesty, and the Schedule thereto, and all and every the Horse or Horses, and Harness and all other Articles and Things used or employed for the Purpose of drawing such Carriage or Vehicle as aforesaid, in the Custody and Possession of the Person or Persons, or any of them, to whom any such Licence shall have been granted as aforesaid, or in the Custody or Possession of any other Person or Persons, to the Use and for the Account of or in Trust for such Person or Persons, to whom any such Licence shall have been granted as aforesaid, or any of them, shall be and the same are hereby

hereby made subject and liable to, and chargeable with all the Duties in arrear and owing, or which shall become due and payable from time to time from or by such Person or Persons, for or in respect of such Carriage or Vehicle kept, used or employed by him, her or them respectively, for the Purpose of conveying Passengers for Hire as aforesaid.

'XI. And Whereas by the said recited Act of the Fiftieth Year of the Reign of his late Majesty King *George* the Third, it was (amongst other Things) enacted, that in case the Driver of any such Coach, Mail Coach or other Carriage, as therein described, or the Person acting as Guard, should, by Intoxication or by Negligence or other Misconduct, (unavoidable Accidents always excepted) endanger the Safety of the Passengers in their Lives, their Limbs or their Property, then and in every such case the Driver or Guard (as the case may be) so offending, and being convicted thereof by his own Confession, the View of a Justice (in any case applicable thereto), or the Oath or Oaths of One or more credible Witness or Witnesses, before any Justice or other Magistrate as therein mentioned, should forfeit and pay a Sum not less than Five Pounds nor more than Ten Pounds for every such Offence; and in case of Nonpayment, every such Justice or other Magistrate above mentioned, were thereby authorized to commit such Offender to the Common Gaol or House of Correction for the County, Riding, City, Town, Division or Place where such Offence should have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Months nor less than Three Months, at the Discretion of the Justice or other Magistrate above mentioned, by or before whom any such Offender should be convicted: And Whereas it is expedient to extend the Powers given by the said recited Act:' Be it therefore further enacted, That if the Coachman, Guard or other Person having the Care of any such Coach, Mail Coach or other Carriage or Vehicle as aforesaid, or employed in, upon or about the same, shall, by intoxication, or wanton and furious Driving, or any other wilful Misconduct on the Public Highway, injure or endanger any Person or Persons whatever in his, her or their Life or Lives, Limbs or Property, every such Coachman or Person as aforesaid so offending, shall for every such Offence be liable to the same or the like Fine or Penalty, to be levied, mitigated and applied in the same or the like manner as in and by the said recited Act was mentioned and provided with respect to the Offences therein specified; provided that nothing in this Act contained shall extend to or be construed to extend to affect Hackney Coaches or Chariots, or their Owners or Drivers respectively, duly licensed by the Commissioners of Hackney Coaches.

50 G. 3. c. 48. § 11.

Coachmen or Guards endangering the Lives of Persons by furious Driving, &c.

Penalty.

Proviso for Hackney Coaches.

'XII. And Whereas in cases where such Carriages or other Vehicles are employed for the Conveyance of Passengers and Goods between Places lying distant from each other, it usually happens that the Property in such Carriages or other Vehicles is in several Persons, who reside at different Points of the Line of Journey performed by such Carriage or other Vehicle, and the Residences of some of whom is at a great Distance from some of the Places through which such Carriage or other Vehicle passes, or at which it arrives, and by reason of such Distance such last

'mentioned Proprietor or Proprietors have not the means of exercising the same Superintendance and Controul over the Management of such Carriage or other Vehicle, in distant Parts of its Journies, as such of the Proprietor or Proprietors as have their Residence nearer thereto: And Whereas it is expedient, that in all Cases of Informations and Convictions for Offences against this Act or any former Act, such Information and Conviction should be had and laid against such One or more of the Owner or Owners, Proprietor or Proprietors of such Carriages or other Vehicles, as are resident nearest to the Place where the Offence shall be committed;' Be it therefore enacted, That from and after the passing of this Act, all Summonses, Informations and Convictions, which shall be issued, laid or prosecuted against any Owner or Owners, Proprietor or Proprietors of any Coach, Carriage or other Vehicle, under or by virtue of this Act, or any former Act, for the Recovery of any Fine or Penalty hereby or thereby imposed, shall in all Cases in which there shall be more than One such Owner or Proprietor, and when such Owners or Proprietors shall reside in different Counties (the Residence of such Owner or Proprietor being ascertained by the Entry at the Stamp Office, or other Place from which the Licence to such Owner or Proprietor was issued,) be so issued, laid or prosecuted against such One or more of the said Owners or Proprietors as shall reside in the County or Place in which, or nearest to which the Offence proceeded against shall have been or shall be alleged to have been committed; and that in all such Cases as aforesaid, this present Act shall and may be allowed and pleaded in bar to the Conviction of any such Owner or Owners, Proprietor or Proprietors as aforesaid, other than and except of such Owner or Owners, Proprietor or Proprietors, whose Residence shall be in the County or Place in which, or nearest to which, the Offence so proceeded against shall have been or shall be alleged to have been committed; any thing herein or in any former Act contained to the contrary thereof notwithstanding.

Informations to be laid against the nearest Proprietor.

In what Cases this Act may be pleaded in bar to Conviction.

'XIII. And Whereas Difficulties have arisen in Proceedings for 'Penalties under a certain Act made and passed in the First Year 'of the Reign of King *George* the First, intituled *An Act for better 'regulating Hackney Coaches, Carts, Drays and Waggons, within 'the Cities of* London *and* Westminster, *and the Weekly Bills of 'Mortality; and for preventing Mischiefs occasioned by the Dri-'vers riding upon such Carts, Drays, Cars and Waggons;* by reason of the Person or Persons giving Information being unable to 'prove the Payment of the Fare paid or to be paid by any Person or Persons carried in or upon any Coach or other Carriage 'used for the Purpose of conveying Passengers for Hire;' Be it further enacted and declared, That from and after the passing of this Act, in all cases where any Coach or other Carriage used for the Purpose of conveying Passengers for Hire, shall take up any Passenger or Passengers after such Coach or other Carriage shall have entered the paved Streets of *London, Westminster*, or the Borough of *Southwark*, and shall carry and convey such Passenger or Passengers along the said paved Streets, or any of them, the Proprietor of such Coach or Carriage, or the Driver thereof, shall be deemed and taken to be a Person standing, driving and plying

Drivers of Stage Coaches taking up Passengers after entering the paved Streets, &c. deemed Persons plying for Hire under 1 G. 1. st. 2. c. 57.

plying for Hire within the meaning of that Act, unless the contrary shall be shewn.

'XIV. And Whereas all Licences which before the passing of 'this Act may have been granted, authorizing any Person or 'Persons to keep or employ any Carriage or Vehicle, to be em-'ployed as a Public Stage Coach or Carriage for conveying Pas-'sengers for Hire to and from different Places in *Great Britain*, 'and which at the Time of passing this Act will be in force, will, 'under and by virtue of an Act made and passed in the Fifty third 'Year of the Reign of His said late Majesty King *George* the 'Third, intituled *An Act for altering, explaining and amending an 'Act of the Forty eighth Year of His Majesty's Reign, for grant-'ing Stamp Duties in* Great Britain, *with regard to the Duties 'on reissuable Promissory Notes, and on Conveyances on the Sale 'and Mortgage of Property; for better enabling the Commissioners 'of Stamps to give Relief in cases of Spoiled Stamps, and to remit 'Penalties for exempting certain Instruments from Stamp Duty; 'and for better securing the Duties on Stage Coaches*, expire on 'the Thirty first Day of *July* in the present Year: And Whereas 'it is expedient to keep all such Licences in force for the Space 'of One Calendar Month beyond that day;' Be it therefore further enacted, That all such Licences shall be and remain in full Force and Effect for the Space of One Calendar Month next after the said Thirty first Day of *July*; and that all Licences to be granted at any Time after the passing of this Act, and before the First Day of *August* in the Year of our Lord One thousand eight hundred and twenty three, shall terminate and expire on the Thirty first Day of *July* in that Year. 53 G.3. c.108. Licences now in force to continue till 31st August, 1822.

XV. And be it further enacted, that all the Powers, Provisions, Clauses, Regulations and Directions, Fines, Forfeitures, Pains and Penalties contained in and imposed by the several Acts of Parliament, or any of them, relating to the Duties upon Stage Coaches or other Carriages used for the Purpose of conveying Passengers for Hire, shall be of full Force and Effect with respect to the Duties hereby granted, as far as the same are or shall be applicable, in all cases not hereby expressly provided for; and shall be observed, applied, enforced and put in Execution for the raising, levying, collecting and securing the Duties on Carriages or Vehicles kept, used, employed or let out for Hire, for the Purpose of conveying Passengers as aforesaid, granted by the said Act of the Fifty fifth Year of the Reign of His said late Majesty and the Schedules thereto, and the said Duties hereby granted so far as the said Acts of Parliament, or any of them shall not be repealed or be superseded by, and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Duties granted by the said Act of the Fifty fifth Year of the Reign of His said late Majesty, and the said Schedule thereto, and also to the Duties hereby granted. Powers of former Acts relating to Duties on Stage Coaches, &c. extended to this Act.

CAP.

CAP. XCVI.

An Act to continue, until the First Day of *January* One thousand eight hundred and twenty four, an Act passed in the Fifty ninth Year of His late Majesty, relating to imposing and levying Duties in *New South Wales*; to authorize the imposing and levying other Duties on Goods imported into the said Colony; and to suspend, for Ten Years, the Payment of Duty on the Importation of certain Goods the Produce of *New South Wales*.

[30th *July* 1822.]

59 G. 3. c. 114. as continued by 1 & 2 G. 4. c. 8.

'WHEREAS an Act of Parliament passed in the Fifty ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to stay Proceedings against any Governor or other Person concerned in imposing and levying Duties in* New South Wales; *to continue, until the First Day of* January *One thousand eight hundred and twenty one, certain Duties; and to empower the said Governor to levy a Duty on Spirits made in the said Colony;* which Act was further continued by another Act, passed in the First and Second Years of the Reign of His present Majesty, until the First Day of *January* One thousand eight hundred and twenty three: And Whereas it is expedient that the said Act should be further continued, and that further and additional Provisions should be made for imposing and levying certain Duties upon Spirits and Tobacco, and an *ad valorem* Duty upon all other Goods, Wares and Merchandizes imported into the said Colony, for defraying the Expences thereof;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Fifty ninth Year of the Reign of His late Majesty, and the Provisions therein contained, except so far as the same or any of them are by this Act varied or altered, shall be and the same are continued in force from the First Day of *January* One thousand eight hundred and twenty three, until the First Day of *January* One thousand eight hundred and twenty four.

continued till Jan. 1, 1824.

Governor may impose on British Spirits, and other Spirits, or Rum imported directly from U. K.

II. And be it further enacted, That from and after the passing of this Act, it shall be lawful for the Governor, or other Person administering the Government of *New South Wales* for the time being, to impose by any Proclamation made, or Order or Orders issued, in the said Colony for that Purpose, the several and respective Rates and Duties following; that is to say, upon the Importation into the said Colony, or any of the Settlements or Dependencies thereof, or belonging thereto, or under the Controul or Administration of the Governor or Person exercising the Government of the said Colony and its Dependencies, of all Spirits the Produce and Manufacture of the United Kingdom, or Rum the Produce of His Majesty's Plantations in the *West Indies*, imported directly from the United Kingdom, a Duty not exceeding the Amount of Ten Shillings, and of all other Spirits a Duty not exceeding the Amount of Fifteen Shillings, upon each Gallon of

of Spirits so imported, and so in proportion for any greater or lesser Quantity; and upon the Importation of all Tobacco, a Duty not exceeding Four Shillings for and upon each Pound Weight so imported into the said Colony, and so in proportion for any greater or less Quantity; and upon the Importation of all Goods, Wares and Merchandizes, not being the Growth, Produce or Manufacture of the United Kingdom of *Great Britain* and *Ireland*, imported directly from some Port in the United Kingdom, a Duty not exceeding Fifteen Pounds upon every One hundred Pounds in value of the Goods, Wares and Merchandizes so imported, and so in proportion for any greater or less Value.

On Tobacco, and on all Foreign Goods, the Duties herein mentioned.

III. And be it further enacted, That it shall be lawful for the Governor, or other Person administering the Government of *New South Wales*, by any Proclamation or Order or Orders to be by him for that Purpose issued, to discontinue or reduce any such Duties from time to time as Occasion may require, and also from time to time to revive any Duties so discontinued or reduced, and again to levy the same: Provided always, that it shall not be lawful for any Governor or other Person administering the Government of the said Colony, to order the levying or raising of any higher Rate of Duty than is authorized by this Act.

Power to reduce and revive Duties;

Proviso.

IV. And be it enacted, That it shall be lawful for the Governor, or other Person for the time being administering the Government of the said Colony, to make such Rules and Regulations as to him may seem fit and proper, for the more effectual Collection and levying of all or any of the said Rates and Duties, and for that Purpose to impose such reasonable Fines and other Penalties as may be necessary for enforcing the due and punctual Payment thereof; and from time to time to alter or vary any such Rules and Regulations, or Fines or Penalties, or make any new or other Rules and Regulations, Fines and Penalties: Provided always, that the said Governor shall transmit true Copies, duly authenticated, of all such Rules and Regulations, Fines and Penalties, and of all Alterations thereafter made therein, to One of His Majesty's Principal Secretaries of State for His Majesty's Approbation.

And to make Regulations for levying the Duties.

Copy of Regulations transmitted to Secretary of State.

V. And be it further enacted, That every Governor, or other Person administering the Government of the said Colony, who hath heretofore received or shall hereafter receive any Sum or Sums of Money arising from any Rates and Duties which have been or which may hereafter be raised and levied within the said Colony, or any of the Settlements or Dependencies thereof, shall account to His Majesty for the same, and for the due Application thereof, through the Lord High Treasurer or Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, in such Manner, and at such Times, and under such Rules and Regulations as to the Examination and Audit of such Accounts, as the said Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, shall order and direct in that behalf.

Application of Duties to be accounted for to Treasury.

'VI. And Whereas an Act passed in the Fifty ninth Year of 'the Reign of His late Majesty King *George* the Third, intituled '*An Act to repeal the several Duties of Customs payable in* Great 'Britain, *and to grant other Duties in lieu thereof*: And Whereas 'by

59 G. 3. c. 52. Tab. (B.) Inwards.

'by the said Act a Duty of Customs of Three Pence the Pound is 'granted from the Fifth Day of *January* One thousand eight hun- 'dred and twenty three until the Fifth Day of *January* One 'thousand eight hundred and twenty six; and from and after the 'Fifth Day of *January* One thousand eight hundred and twenty 'six, a Duty of Customs of Six Pence the Pound upon Sheep 'or Lambs' Wool, the Produce of and imported directly from any '*British* Colony or Territory; and a Duty of Three Shillings 'the Hundred Weight upon solid Vegetable Extract from Oak 'Bark, or other Vegetable Substances, to be used for the Pur- 'pose of tanning Leather, and for no other Purpose whatsoever; 'and a Duty of One Pound Ten Shillings upon Teake Wood or 'other Wood fit for Ship building, Eight Inches square or up- 'wards, the Load containing Fifty Cubic Feet: And Whereas it 'is expedient to suspend the Payment of such Duties as to such 'Articles, the Growth or Produce of *New South Wales* and 'Settlements and Dependencies thereof, for a limited Period;'

For Ten Years no higher Duty than 1d. per lb. paid on Importation of Sheep or Lambs' Wool of New South Wales:

Be it therefore enacted, That for the Period of Ten Years, from and after the First Day of *January* One thousand eight hundred and twenty three, no higher Duty of Customs than One Penny *per* Pound shall be charged or Payable or paid for or upon the Importation into the United Kingdom of any Sheep or Lambs' Wool, the Produce of *New South Wales*, or any of the Settlements or Dependencies thereof, and duly certified as such by the proper Officers of Customs, and imported directly from the said Colony; and during such Period of Ten Years the said Duty of Customs upon Extract from Bark shall not be charged or payable or paid, for or upon the Importation into the United Kingdom of any such solid Vegetable Extract from Bark or other Vegetable Substances, to be used for the Purpose of tanning Leather, and for no other Purpose whatsoever, the Produce of the Colony, duly certified as such by the proper Officer of Customs, and imported directly from the said Colony; and during the said Period of Ten Years, the said Due of Customs of One Pound Ten Shillings upon Teake Wood, or other Wood fit for Ship building, Eight Inches square or upwards, the Load containing Fifty Cubic Feet, shall not be charged upon the Importation into the United Kingdom of any Timber the Growth or Produce of the said Colony, duly certified as such by the proper Officers of Customs, and imported directly from the said Colony; any thing in the said recited Act or Acts of Parliament, relating to the said Duties, to the contrary notwithstanding.

Duty of 59 G. 3. c. 114. on Extract from Bark and

Teake Wood, not to be paid for Articles Produce of Colony.

Value of Goods ascertained by Declaration of Importer.

VII. And be it further enacted, That in all cases where by virtue of this Act the Duties imposed upon the Importation of Articles into the said Colony of *New South Wales* and its Dependencies, are charged not according to the Weight, Gauge or Measure, but according to the Value thereof, such Value shall be ascertained by the Declaration of the Importer or Proprietor of such Articles, or his known Agent or Factor, in Manner and Form following, *viz.*

Form of Declaration.

'I *A. B.* do hereby declare, That the Articles mentioned in the 'Entry, and contained in the Packages [*here specify in the*

'*several*

'*several Packages, and describing the several Marks and Num-*
'*bers, as the case may be*], are of the Value of
'Witness my Hand, the Day of
A. B.
'The above Declaration signed the
'Day of in the
'Presence of
'*C. D.* Naval Officer.'

Which Declaration shall be written on the Warrant of Entry of such Articles, and shall be subscribed with the Hand of the Importer or Proprietor thereof, or his known Agent or Factor, in the Presence of the Naval Officer or other principal Officer of the Customs at the Port of Importation: Provided that if upon View and Examination of such Articles by such Officer or Officers, it shall appear to him or them that the said Articles are not valued according to the true Price or Value thereof, and according to the true Intent and Meaning of this Act, then and in such case the Importer or Proprietor, or his known Agent or Factor, shall be required to declare on Oath, before the Naval Officer at the Port of Importation (which Oath he is hereby authorized and required to administer), what is the invoiced Price of such Articles, and that he verily believes such Invoice Price is the Current Value of the Articles at the Place from whence the said Articles were imported, and such Invoice Price, with the Addition of Ten Pounds *per Centum* thereon, shall be deemed and taken to be the Value of the Articles in the said Colony and its Dependencies, in lieu of the Value so declared by the Importer or Proprietor, or his known Agent or Factor, and upon which the Duties specified in this Act shall be charged and paid: Provided also, that if it shall appear to the Naval Officer or other Chief Officer of the Customs, that such Articles have been invoiced below the real and true Value thereof, at the Place from whence the same were imported, or if the Invoice Price is not known, the Articles shall in such case be examined by Two competent Persons, to be nominated and appointed by the Governor or Commander in Chief of the said Colony, and such Persons shall declare on Oath before the Naval Officer or Chief Officer of the Customs, what is the true and real Value of such Articles in the said Colony, and the Value so declared on the Oath of such Persons shall be deemed to be the true and real Value of such Articles, and upon which the Duties specified in this Act shall be charged and paid.

Oath of Importer and invoice may be required as to Value of Goods.

If not satisfied, Two Persons may be appointed to ascertain the Value.

VIII. And be it further enacted, That if the Importer or Proprietor of such Articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Naval Officer or other Chief Officer of the Customs where such Articles shall be imported, and he is hereby respectively required to take and secure the same, with the Casks or other Package thereof, and to cause the same to be publicly sold within the space of Twenty Days at the most after such Refusal made, and at such Time and Place as such Officer shall, by Four or more Days' Public Notice, appoint for that Purpose; which Articles shall be sold to the best Bidder, and the Money arising by the Sale thereof shall be applied, in the first Place, in Payment of the said Duties, together with

If Duties not paid, Goods may be sold within Twenty Days after Refusal.

with the Charges that shall have been occasioned by the said Sale, and the Overplus, if any, shall be paid to such Importer or Proprietor, or any other Person authorized to receive the same.

Spirits imported not to be of greater Strength than Seven per Cent. above Hydrometer Proof.

IX. And it is hereby further enacted, That from and after the First Day of *January* One thousand eight hundred and twenty three, it shall not be lawful to import into any Port or Place in the Colony of *New South Wales* or its Dependencies, any Spirits that shall be of a greater Strength than Seven *per Centum* above Hydrometer Proof, the Strength of the said Spirits to be ascertained and determined by such Officer or Officers as the Governor or the Person administering the Government shall appoint.

CAP. XCVII.

An Act to continue for Two Years an Act of the Fifty sixth Year of His late Majesty, for establishing Regulations respecting Aliens arriving in or resident in this Kingdom, in certain Cases. [30th *July* 1822.]

56 G. 3. c. 86.

'WHEREAS an Act was passed in the Fifty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for establishing Regulations respecting Aliens arriving in and resident in this Kingdom, in certain Cases, for Two Years from the passing of this Act, and until the End of the Session of Parliament in which the said Two Years shall expire, if Parliament shall be then sitting:* And Whereas the said Act was, by another Act passed in the Fifty eighth Year of the Reign of His said late Majesty, further continued for the Term of Two Years, and until the End of the Session of Parliament in which that Term should expire, if Parliament should be then sitting; and was, by another Act passed in the First Year of His present Majesty's Reign, continued for the further Term of Two Years: And Whereas the said first recited Act had been found beneficial, and it is expedient to continue the same for a further Time:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first recited Act shall be and the same is hereby further continued in force, from the Expiration thereof, for the Term of Two Years.

as continued by 58 G. 3. c. 96. and further continued by 1 G. 4. c. 105.

Further continued.

CAP. XCVIII.

An Act for enabling His Majesty to grant Pensions to the Servants of Her late Majesty Queen *Caroline*.

[30th *July* 1822.]

'WHEREAS it is expedient that His Majesty should be enabled to make some Provision for the Servants of Her late Majesty Queen *Caroline*;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for His Majesty to grant such Pensions or Allowances to the several Persons aforesaid, as His Majesty

Pensions may be granted by

jesty shall think fit, not exceeding in the Whole the Sum of Two thousand two hundred and eighty five Pounds Twelve Shillings *per Annum*, and to charge the same upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and that Part of such Pensions or Allowances, to an Amount not exceeding Three hundred and ninety Pounds, shall commence from the Fifth Day of *April* One thousand eight hundred and twenty one, and the remaining Part of such Pensions or Allowances shall commence from the Fifth Day of *July* One thousand eight hundred and twenty one, and be paid and payable Quarterly at the Receipt of the Exchequer at *Westminster*, out of the said Consolidated Fund, free and clear of and from all Taxes, Charges or other Deductions whatsoever.

His Majesty to the Servants of Her late Majesty.

CAP. XCIX.

An Act to continue, until the Fifth Day of *January* One thousand eight hundred and twenty five, the Duties of Customs payable on *British* Salt imported into *Ireland*; to repeal the Duties on Foreign Salt imported into *Ireland*; and to grant other Duties in lieu thereof. [30th *July* 1822.]

'WHEREAS by the several Acts passed in the Parliament of *Great Britain*, in the Thirty ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, and in the Parliament of *Ireland*, in the Fortieth Year of His said late Majesty's Reign, for the Union of *Great Britain* and *Ireland*, it was among other Things enacted and provided, That for the Period of Twenty Years from the Union, Salt, on Importation into *Ireland* from *Great Britain*, should pay Duties not exceeding those which were then paid on Importation into *Ireland*: And Whereas by an Act made in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, in the Forty fifth Year of the Reign of His said late of Majesty, for granting certain Rates and Duties, and allowing certain Drawbacks and Bounties upon Goods, Wares and Merchandize imported into and exported from *Ireland*, it was amongst other Things enacted, That there should be raised, levied, collected and paid, upon the Importation into *Ireland* from *Great Britain* of Salt, being of the Growth, Produce or Manufacture of *Great Britain*, the several and respective Duties following; that is to say, for and upon every Bushel of White Salt, weighing Fifty six Pounds, the Sum of Two Shillings *Irish* Currency; and for and upon every Ton of Rock Salt, containing Forty Bushels, each Bushel weighing Sixty five Pounds, the Sum of Three Pounds *Irish* Currency: And Whereas by an Act made in the First Year of the Reign of His present Majesty, intituled *An Act to continue certain Duties on several Articles, the Manufacture of* Great Britain *or* Ireland *respectively, on their Importation into either Country from the other*, it was among other Things declared and enacted, That the Duties payable on the Importation of such Salt into *Ireland*, under or by virtue of any Act or Acts in force immediately before the passing of the said last recited Act, should be and continue payable until further Provision should be made by Parliament with respect to such Duties: And Whereas it is expedient

39 & 40 G. 3. c. 67. Act 6. § 1.
40 G. 3. c. 38. (I.)
45 G. 3. c. 18. § 7.
1 G. 4. c. 45. § 4.

'expedient that the said Duties should continue in force:' Be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several Duties of Two Shillings *Irish* Currency for and upon every Bushel of White Salt, and of Three Pounds *Irish* Currency for and upon every Ton of Rock Salt, the Growth, Produce or Manufacture of *Great Britain* and imported into *Ireland*, granted and made payable by the said recited Act of the Forty fifth Year of the Reign of His said late Majesty, and so continued as aforesaid by the said recited Act of the First Year of the Reign of His present Majesty, shall be and remain and continue in force and payable until the Fifth Day of *January* One thousand eight hundred and twenty five.

Duties continued till Jan. 5, 1825.

II. And be it further enacted, That from and after the Fifth Day of *January* One thousand eight hundred and twenty three, the Duty of Two Shillings *Irish* Currency *per* Bushel on the Importation of Salt not being the Growth, Produce or Manufacture of *Great Britain* imported into *Ireland*, and the Drawback of Two Shillings *per* Bushel on the Exportation of such Salt from *Ireland*, granted and imposed and allowed and made payable by an Act made in the Fifty fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to grant to His Majesty Rates and Duties, and to allow Drawbacks and Bounties on certain Goods, Wares and Merchandize imported into and exported from* Ireland, *in lieu of former Rates and Duties, Drawbacks and Bounties*, and by the Schedule marked (A.) to the said Act annexed, shall cease and determine, and be repealed, except only so far as relates to any Arrear of such Duty due on the said Fifth Day of *January* One thousand eight hundred and twenty three.

Duty and Drawback as herein mentioned on Importation and Exportation of Salt, not the Produce of G. B. repealed.

III. And be it further enacted, That from and after the Fifth Day of *January* One thousand eight hundred and twenty three, there shall be raised, levied, collected and paid unto His Majesty, His Heirs and Successors, upon the Importation into *Ireland* of any Salt not being the Growth, Produce or Manufacture of *Great Britain*, which shall be imported into *Ireland* at any Time after the said Fifth Day of *January* One thousand eight hundred and twenty three, until and upon the Fifth Day of *January* One thousand eight hundred and twenty five, or which having been imported into *Ireland* at any Time before the said Fifth Day of *January* One thousand eight hundred and twenty three, shall have been warehoused without Payment of Duty, and which shall be taken out of such Warehouse for Consumption in *Ireland* at any Time after the said Fifth Day of *January* One thousand eight hundred and twenty three, and before the Fifth Day of *January* One thousand eight hundred and twenty five, a Duty of Two Shillings *Irish* Currency, and from and after the Fifth Day of *January* One thousand eight hundred and twenty five, a Duty of Three Pence *Irish* Currency and no more on every Bushel of Rock Salt weighing Sixty five Pounds Avoirdupois, and a like Duty of Two Shillings *Irish* Currency, until the Fifth Day of *January* One thousand eight hundred and twenty five, and of Three Pence *Irish* Currency from and after the said Fifth Day of *January* One thousand

New Duties on Importation of Salt into Ireland after Jan. 5, 1823, (or then in Warehouse) as herein mentioned.

thousand eight hundred and twenty five, on every Bushel of every other Kind or Species of Salt not being Rock Salt, weighing Fifty six Pounds Avoirdupois; and that such Duties shall be in lieu and full Satisfaction of all Duty payable in *Ireland* upon the Importation of such Salt, under or by virtue of any Act or Acts of Parliament in force in *Ireland* at the Time of the passing of this Act; and that the said Duty by this Act granted shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Foreign Salt, or Salt of G. B. imported may be warehoused without Payment of Duty.

IV. Provided always, and be it enacted, That any Foreign Salt, or any Salt of the Produce or Manufacture of *Great Britain*, liable to the Duties continued or granted and imposed by this Act, which may be imported into *Ireland* at any Time after the said Fifth Day of *January* One thousand eight hundred and twenty three, may, before Payment of all or any Part of the Duty payable on the Importation thereof, be landed at such Ports and Places in *Ireland*, for the Purpose of being warehoused or secured in any Warehouse, Storehouse or Cellar, and under such Conditions, Rules, Regulations, Restrictions and Provisoes, as are provided, contained or enacted in and by an Act made in the Forty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act more effectually to regulate the Collection of the Duties on Goods, Wares and Merchandize imported or exported into or from* Ireland, *and the Payment of Bounties, Allowances and Drawbacks thereon*, with respect to the importing and warehousing of any Foreign Salt, or Salt, the Produce or Manufacture of *Great Britain*, in like manner to all Intents and Purposes, as if all such Conditions, Rules, Regulations, Restrictions and Provisoes had been repeated and re-enacted in this Act, except only so far as the same are altered by this Act, or by any other Act or Acts in force in *Ireland*.

46 G. 3. c. 87.

Imported Salt may be exported from Warehouse to Foreign Ports, Duty free. Security.

V. And be it further enacted, That it shall and may be lawful for any Person or Persons, within Twelve Calendar Months after the Importation and landing and warehousing of any such Salt, to take any such Salt out of such Warehouse for Exportation, and to export the same from such Warehouse to Parts beyond the Seas without Payment of any Duty thereon, upon entering into such Bond, and under such Rules, Regulations and Provisions, as are contained in the said recited Act of the Forty sixth Year of His late Majesty's Reign, with respect to the Exportation of Salt the Produce or Manufacture of *Great Britain* and *Ireland*, and in an Act made in the Forty seventh Year of His said late Majesty's Reign, intituled *An Act for the encouraging the Exportation of Salt from* Ireland, or in any other Act or Acts in force in *Ireland*.

47 G. 3. Sess. 2. c. 58.

Allowance on Exportation of Irish refined Salt made from British Rock Salt, having paid the Duties.

VI. And be it further enacted, That from and after the Fifth Day of *January* One thousand eight hundred and twenty three, upon the Exportation from *Ireland* of any Salt made and refined or manufactured in *Ireland* from *British* Rock Salt which shall have paid the Duties continued by this Act, there shall be allowed and paid to the Maker, Manufacturer or Refiner of such Salt, by whom or from whose Manufactory such Salt shall be exported, for every Bushel of such refined Salt, weighing Fifty six Pounds, the Sum of Two Shillings *Irish* Currency on all such refined Salt which shall be exported to any Place except to *Great Britain*, and the Sum of One Shilling and Six Pence *Irish* Currency and no more, on all such

refined Salt which shall be exported to *Great Britain*; and that the said Allowances shall be paid in like manner, and under like Regulations, as any Drawbacks or Allowances in the Nature of Drawbacks are paid and allowed under or by virtue of any Act or Acts in force in *Ireland*; and that all Salt, on which any such Allowances shall be claimed, shall be exported subject to the Regulations and Provisions contained in the hereinbefore recited Act, made in the Forty sixth Year of His late Majesty's Reign, or in any other Act or Acts in force in *Ireland*: Provided always, that the Amount of such Allowance on such refined Salt, the Manufacture of *Ireland*, exported to *Great Britain*, shall not in any case exceed the Amount of the Duty actually paid by such Maker, Manufacturer or Refiner of Salt, on the Rock Salt the Produce of *Great Britain* imported into *Ireland*, from which such refined Salt shall have been made, to be proved to the Satisfaction of the Commissioners of Inland Excise and Taxes in *Ireland*, in such manner as the said Commissioners shall from time to time think proper to order and direct.

Allowance of 1s. 6d. to G. B. not to exceed Amount of Duty paid.

VII. And be it further enacted, That upon the Exportation from *Ireland*, except to *Great Britain*, of any Foreign or Bay Salt, which shall not have been warehoused in *Ireland*, there shall be paid and allowed a Drawback of all the Duties which shall have been paid on the Importation of the same, and that the said Drawbacks shall be paid and allowed in like manner and under the like Regulations as other Drawbacks are paid and allowed under or by virtue of any Act or Acts in force in *Ireland*; and that all Salt on which such Drawback shall be claimed shall be exported subject to the Regulations and Provisions contained in the said recited Act of the Forty sixth Year aforesaid, or in any other Act or Acts in force in *Ireland* relating to the Exportation of Salt from *Ireland*.

On Exportation from Ireland of Foreign or Bay Salt, not having been warehoused, a Drawback of Duty paid on Importation.

54 G. 3. c. 81. § 6.

VIII. And be it further enacted, That from and after the said Fifth Day of *January* One thousand eight hundred and twenty three, so much and such Parts of the several Acts hereafter recited as is and are hereinafter specified and set forth shall be repealed; that is to say, so much of an Act made in the Fifty fourth Year of the Reign of His said late Majesty King *George* the Third, for continuing and amending several Acts for granting certain Rates and Duties, and allowing certain Drawbacks and Bounties on Goods, Wares and Merchandize imported into and exported from *Ireland*, whereby it is enacted, that upon the Exportation from *Ireland* to any Place except *Great Britain* of any Beef, Pork, Tongues, Hams or Bacon, salted in *Ireland* with Salt which shall have paid the Duties imposed by the said Act, or with Salt the Growth, Produce or Manufacture of *Great Britain*, there shall be paid and allowed to the Exporter of such Beef, Pork, Tongues, Hams or Bacon, an Allowance or Bounty in the way of Drawback, for or in respect of the Duties charged on such Salt, after the Rate of One Shilling *Irish* Currency for each and every One hundred Pounds' Weight thereof; and also, so much of an Act made in the Fifty fifth Year of His said late Majesty's Reign, for granting Duties of Customs, and allowing Drawbacks and Bounties on certain Goods, Wares and Merchandize imported into and exported from *Ireland*, whereby it is enacted, that upon the Exportation from *Ireland* to any Place except *Great Britain* of any

55 G. 3. c. 82. § 17.

Beef, Pork, Tongues, Hams or Bacon, salted in *Ireland* with Salt the Growth, Produce or Manufacture of *Ireland*, there shall be paid and allowed to the Exporter the like Allowance or Bounty, in the way of Drawback, for or in respect of the Duties charged on such Salt, as was by Law allowed and made payable on Beef, Pork, Tongues, Hams and Bacon salted in *Ireland* with Salt the Growth, Produce or Manufacture of *Great Britain*; and so much and such Parts of the said several recited Acts as is and are hereinbefore set forth, shall be and the same are hereby repealed accordingly, except only so far as may relate to any Arrears of any Bounty, Allowance or Sum of Money payable on the said Fifth Day of *January* One thousand eight hundred and twenty three under any of the said Provisions in the said recited Acts or any of them.

Duties levied and paid as former Duties.

IX. And be it further enacted, That the Duties by this Act made payable shall be raised, levied, collected, paid and applied in the same manner, and under such Powers and Authorities, Penalties and Forfeitures, and by such Ways and Methods, and under such Rules and Directions, as are appointed, directed and expressed for the raising, collecting, levying, paying, applying and managing of Duties payable on Goods, Wares and Merchandize imported into and exported from *Ireland*, or for the levying and applying any Fines, Penalties or Forfeitures in and by an Act of Parliament made in *Ireland* in the Fourteenth and Fifteenth Years of the Reign of King *Charles* the Second, intituled *An Act for settling the Excise or new post upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted*; or in and by an Act made in the Forty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide for the better Execution of the several Acts relating to the Revenues, Matters and Things under the Management of the Commissioners of Customs and Port Duties, and of the Commissioners of Inland Excise and Taxes in* Ireland; or in and by any other Act or Acts in force in *Ireland* relating to the Revenue of Customs and Excise, or either of them, as fully and effectually, to all Intents and Purposes, as if the same Power and Authorities, Rules and Directions, Penalties and Forfeitures, were herein expressed and enacted, with the like Remedy of Appeal to and for the Party or Parties aggrieved, as in and by the said Act, passed in the Fourteenth and Fifteenth Years of the Reign of King *Charles* the Second, or in and by any other Act or Acts as aforesaid, is provided.

14 & 15 C. 2. (I.)

46 G. 3. c. 106.

Appeal.

CAP. C.

An Act to incorporate the Contributors for the Erection of a National Monument in *Scotland*, to commemorate the Naval and Military Victories obtained during the late War

[30th *July* 1822.]

'WHEREAS it is expedient that a Monument should be 'erected in *Scotland*, in Testimony of National Gratitude 'to Almighty God, for the signal Successes of the *British* Arms 'by Sea and Land in the late eventful War; to perpetuate the 'Memory of those brave Men whose exertions contributed to the 'glorious Result of that arduous and momentous Contest; and to

'act as an Incentive to others hereafter to emulate their Example 'in maintaining the Honour, and promoting the Welfare of their 'Country: And Whereas it is expedient that this Monument should 'comprehend a Place of Divine Worship for the Use of the Contri- 'butors to its Erection, and of His Majesty's Naval and Military 'Forces stationed in its Vicinity; thus increasing the Number of 'Places of Public Worship, and thereby furthering one great 'Object of the Royal and Paternal Solicitude of His Majesty, and 'of the Wishes of Parliament: And Whereas considerable Sums 'of Money have been subscribed for this great National Object, 'and it will essentially tend still farther to promote the same, if 'the Contributors were incorporated, with proper Powers and 'Authorities for carrying this laudable Undertaking into effect; 'but as this cannot be done without the Aid and Authority of 'Parliament:' May it therefore please Your Majesty that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Walter Francis* Duke of *Buccleuch* and *Queensberry*, *Alexander* Duke of *Gordon*, *John* Duke of *Atholl*, *James* Duke of *Montrose*, *Arthur* Duke of *Wellington*, *George* Marquis of *Stafford*, *John* Marquis of *Bute*, *George* Lord *Gordon* commonly called Marquis of *Huntley*, *Archibald* Earl of *Eglintown*, *Francis* Earl of *Moray*, *Thomas Lyon* Earl of *Strathmore*, *Thomas* Earl of *Kellie*, *Charles* Earl of *Haddington*, *Thomas* Earl of *Elgin* and *Kincardine*, *Francis Charteris Wemyss* Earl of *Wemyss* and *March*, *George* Earl of *Dalhousie*, *George* Earl of *Aboyne*, *John* Earl of *Breadalbane*, *John George* Earl of *Stair*, *Archibald John* Earl of *Rosebery*, *George* Earl of *Glasgow*, *John* Earl of *Hopetoun*, *James* Earl of *Fife*, *Robert Saunders* Viscount *Melville*, *James Ochonchar* Lord *Forbes*, *Alexander George* Lord *Saltown*, *Francis* Lord *Gray*, *John* Lord *Colville*, *Robert Montgomery* Lord *Belhaven* and *Stenton*, *John* Lord *Rollo*, *George* Lord *Abercromby*, *Thomas* Lord *Lynedoch*, *Archibald* Lord *Douglas*, *James* Lord *Glenlyon*, The Right Honourable *William Dundas*, The Right Honourable Sir *John Sinclair*, Baronet, The Right Honourable Sir *William Rae*, Baronet, Lord Advocate of *Scotland*, The Right Honourable *Charles Hope*, Lord President of the Court of Session, The Right Honourable *David Boyle*, Lord Justice Clerk, The Right Honourable *William Adam*, Lord Chief Commissioner of the Jury Court in *Scotland*, The Right Honourable Sir *William Grant*, The Honourable *William Macleod Bannatyne*, one of the Senators of the College of Justice, The Honourable Sir *William Miller*, Baronet, one of the Senators of the College of Justice, The Honourable *William Robertson*, one of the Senators of the College of Justice, The Honourable *David Williamson*, one of the Senators of the College of Justice, The Honourable *David Monypenny*, one of the Senators of the College of Justice, The Honourable *James Wolfe Murray*, one of the Senators of the College of Justice, The Honourable *James Clerk Rattray*, one of the Barons of the Court of Exchequer, The Honourable *Archibald Campbell*, one of the Senators of the College of Justice, The Honourable *George Fergusson*, one of the Senators of the College of Justice, Sir *John Hope* of Craighall, Baronet, Sir *John Hay* of Smithfield and Haystoun,

Contributors incorporated.

stoun, Baronet, Sir *Samuel Stirling* of Glorat, Baronet, Sir *George Clerk* of Pennycuick, Baronet, Sir *James Stewart Denham* of Coltness and Westshiell, Baronet, Sir *Robert Keith Dick* of Prestonfield, Baronet, Sir *George Warrender* of Lockhend, Baronet, Sir *Charles Edmonstone*, of Duntreath, Baronet, Sir *David Hunter Blair*, Baronet, Sir *James Erskine*, Baronet, Sir *John Macgregor Murray*, Baronet, Sir *William Cumming Gordon* of Altyre and Gordonstown, Sir *Charles Macdonald Lockhart* of Lee and Carnwath, Baronet, Sir *Ilay Campbell* of Succoth, Baronet, Sir *James Shaw* of Kilmarnock, Baronet, Sir *Æneas McIntosh*, of McIntosh, Baronet, Sir *James Hall* of Dunglass, Baronet, Sir *John Marjoribanks*, of Lees, Baronet, Sir *James Montgomery*, Baronet, Sir *Ewen Cameron* of Fassifern, Baronet, Sir *Alexander Maitland Gibson*, Baronet, Sir *David Dundas*, Baronet, Sir *Robert Barclay*, Baronet, General Sir *David Baird*, Baronet, Knight Grand Cross of the Order of the Bath, General Sir *George Beckwith*, Knight Grand Cross of the Order of the Bath, Admiral Sir *David Milne*, Knight Commander of the Order of the Bath, Major General Sir *Thomas Bradford*, Knight Commander of the Order of the Bath, Sir *Patrick Walker*, Knight, Sir *John Connell*, Knight, Lieutenant General *John Hope*, Knight Grand Cross of the *Hanoverian* Guelphic Order, General Sir *Robert Abercromby*, Knight Grand Cross of the Order of the Bath, Lieutenant General Sir *John Oswald*, Knight Commander of the Order of the Bath, Admiral Sir *William Johnstone Hope*, Knight Commander of the Order of the Bath, The Honourable General *Leslie Cumming*, General *Francis Dundas*, Rear Admiral *Otway*, Vice Admiral *Fraser*, Lieutenant General *Graham Stirling*, The Very Reverend Doctor *Baird*, Principal of the University of Edinburgh, Major General *Sharpe*, General *Ross*, General *Alexander Campbell* of Monzie, General *Robertson Macdonald*, General *James Balfour*, The Right Honourable Baroness *Ashburton*, *Robert Dundas* of Arniston, *Alexander Munro*, *Gilbert Hutchinson*, *John Borthwick*, junior of Crookstone, Advocate, *James Hope*, Writer to His Majesty's Signet, *William Trotter*, *Robert Johnston*, Reverend *George Craig Buchanan*, Minister of Kinross, Reverend *Archibald Livingston*, Minister of Cambusnethan, *Henry Jardine*, King's Remembrancer in Exchequer, *Hugh Todd*, Writer to His Majesty's Signet, *Michael Linning*, Writer to His Majesty's Signet, *Matthew Norman Macdonald*, Writer to His Majesty's Signet, *James Ritchie*, *David Macgibbon*, *James Cuthbertson* of Seaton Mains, *Robert Stevenson*, *Thomas Charles Hope*, Doctor in Medicine, *Archibald Alison*, Advocate, *Andrew Duncan*, senior, Doctor in Medicine, *Thomas Graham Stirling* of Airth, *Robert Downie* of Appin, *Alexander Henderson*, *James Denholm*, *Hugh Hope*, *John Shaw Stewart*, *Norman Lockhart*, Writer to His Majesty's Signet, *William Irving*, *Lewis Henry Ferrier*, Captain *Menzies*, *Alexander Smith*, Writer to His Majesty's Signet, *J. Aytoun* of Inchdairny, *Alexander Macleod* of Muiravonside, *John Campbell*, Writer to His Majesty's Signet, Captain *Cheap*, *Gilbert Laing Meason*, *James M'Innes*, Writer, *Thomas Brown*, *Archibald Elliott*, *Robert Playfair*, *James Cuthbertson*, *James Connell*, *James Swan*, Writer to His Majesty's Signet, *David Anderson*, *Archibald Constable*, *John Fowler* of Hallydown, *Thomas Johnstone*, *Alexander Macleod*

of Harris, *John Ferrier*, Writer to His Majesty's Signet, *Charles Cunningham*, Writer to His Majesty's Signet, Reverend *John Sommerville*, Minister of Currie, *William Patrick*, Writer to His Majesty's Signet, *John Wauchope*, Writer to His Majesty's Signet, *Forbes Hunter Blair*, *Robert Menzies*, Writer to His Majesty's Signet, *William Inglis*, Writer to His Majesty's Signet, *David Murray*, Deputy Comptroller of Excise, Colonel *Boyle* of Shewalton, *William James Somers*, *William Macdonald* of Saint Martin's, *William Morgan*, *Claud Russell*, *Robert Davidson* of Ravelrig, Advocate, *Edward Alexander* of Powis, *William Arbuthnot*, *Andrew Bonar*, *John Thomson* of Currie, *Alexander Bonar*, *William Ramsay*, *Humphrey Graham*, Writer to His Majesty's Signet, *Robert Warden* of Parkhill, *Gilbert Innes* of Stow, *John Scott* of Sinton, *John Innes Craufurd*, Mrs. *Jameson*, *James Masterton* of Braco, *Robert Smythe* of Methven, Lieutenant Colonel *James Campbell*, *Stewart Boone Inglis*, *William Crawford* of Cartsburn, *Hamilton Campbell* of Pencaitland, *George Robertson Scott*, *John Wilson* of Halsrule, *James Drummond* of Strathallan, Lieutenant Colonel *Elliot Lockhart*, *Charles Forbes*, *John Maxwell*, *George Sinclair*, *James Gordon*, *Kincaid Mackenzie*, The Honourable Mrs. *Boyle*, *Henry Home Drummond*, Captain *Patrick Campbell* of the Royal Navy, *John Wauchope* of Edmonstone, *Peter Spiers* of Culcroich, *Alexander Smith*, Major *Charles Lennox Cumming* of Roseisle, Colonel *Alexander Macgregor Murray*, Reverend *David Wauchope*, Rector of Warkton, *Williams*, *James Gillespie*, *James Wilson*, *James Jardine*, *William M'Dowall*, Advocate, *John Young*, Major *Webster*, Captain *Dick*, *Patrick Salter*, *James Fairlie*, *James Arnot*, *Charles Selkrig*, *Robert Selkrig*, *Moncrieff Threipland*, Advocate, *Francis Jeffrey*, Advocate, *Henry Cockburn*, Advocate, *Thomas Kinnear*, Colonel *Robert Macgregor Murray*, *John Hay*, Advocate, *James Stewart*, younger of Dunearn, *Robert Greig*, *Æneas Macbean*, Writer to His Majesty's Signet, *James Moncrieff*, Advocate, *Robert Jameson*, Advocate, *Elias Cathcart*, Advocate, *Alexander Dunlop*, *Andrew Skene*, Advocate, *James Walker*, Advocate, *David Anderson Blair*, Advocate, *Thomas Allan*, *George Cleghorn*, *Guthrie Wright*, *John Russell*, Writer to His Majesty's Signet, *Nathaniel Hibbert*, *Adam Hay*, *John Campbell* of Glensaddell, *Walter Campbell* of Shawfield, *D K Sandford*, Professor of Greek in the University of Glasgow, *John Cunningham*, Advocate, *John Archibald Murray*, Advocate, *Francis Walker*, Writer to His Majesty's Signet, *George Forbes*, *Alexander Scott* of Trinity Mains, *James Smith* of Jordanhill, Reverend *Thomas M'Knight*, Doctor in Divinity, *Robert Nutter Campbell* of Kailzie, *Michael Stewart Nicholson* of Carnock, *Alexander Stewart*, *Robert Ferguson* of Raith, *David Halliburton*, The Reverend *John Inglis* Doctor in Divinity, one of the Ministers of Edinburgh, The Honourable *Mountstuart Elphinstone*, Bombay, Major General Sir *William Grant Keir*, Lieutenant General The Honourable Sir *Charles Colville*, Lieutenant Colonel *Hunter Blair*, *William Erskine*, *James Wedderburn*, Lieutenant-Colonel *Leighton*, Doctor *Maxwell*, *Theodore Forbes*, *Thomas Buchanan*, Doctor *Meik*, *W C Bruce*, Captain *Robertson*, Collector, Captain *Grant*, Major *Mayne*, *John Elphinstone*, *John Romer*, *James Sutherland*, *Gilbert More*, Captain *Archibald*

Archibald Robertson, John A Dunlop, Baird, and all and every such other Person or Persons, and such Body or Bodies Politic, Corporate, or Collegiate, as have already become Subscribers or from time to time shall subscribe and be admitted Members of the Association hereinafter mentioned, and their respective Successors, Executors, Administrators and Assigns, shall be, and they are hereby declared to be one Body Politic and Corporate, by the Name of "The Royal Association of Contributors to the National Monument of *Scotland*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued.

Capital to be raised not to exceed 50,000l.

II. And be it further enacted, That it shall and may be lawful to and for the said Association of Contributors for the Purposes hereinafter specified to raise and contribute amongst themselves, or by the Subscription of others, any Sum or Sums of Money not exceeding in the Whole the Sum of Fifty thousand Pounds Sterling.

In Shares of 25l. each.

III. And be it enacted, That all and every such Person or Persons, Bodies Politic, Corporate or Collegiate, who may have subscribed, or shall subscribe to the Amount of Twenty five Pounds each, and their several and respective Successors, Executors, Administrators and Assigns, shall be Members of the said Association and each Subscription to the Amount of Twenty five Pounds shall constitute a Share in the Association; and the respective Subscribers shall be entitled to hold as many Shares in the same as they may hold Subscriptions therein to the Amount of Twenty five Pounds.

Subscriptions to a less Amount considered as Donations only.

IV. And be it further enacted, That the said Association shall be entitled to accept of Subscriptions and Contributions from any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, to a less Amount from each than Twenty five Pounds Sterling; but such Subscriptions and Contributions shall not entitle the Subscribers or Contributors to be Members of the Associations, but shall be considered to be Donations only.

No Persons answerable for more than their respective Stock or Subscription.

V. Provided always, and be it enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who is, are or shall be Proprietor or Proprietors of the Stock of the said Association or Contributor or Contributors thereto, or his, her or their Real or Personal Estate, with any Debt or Demand whatsoever, due, or to become due, from the said Association, beyond the Extent of his, her or their Capital Stock, or Share or Shares in the Stock of the said Association or Subscription or Contribution as the case may be, any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.

Shares to be Personal Estate.

VI. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate and Collegiate, and of all and every other Person or Persons whatsoever, of and in the Buildings and Erections hereby authorized to be made, or the Joint Stock or Fund of the said Association, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Proprietors to have a Vote for every Share, but not more

VII. And be it further enacted, That every Body Politic, Corporate or Collegiate, and every Person who shall, by virtue of this Act, have subscribed or undertaken for a Share in the said Undertaking,

than Five Votes though possessed of more than Five Shares.

taking, their, his or her respective Successors, Executors, Administrators and Assigns, present at the stated General and Special Meetings, to be held as herein appointed, shall have a Vote for every such Share, but not exceeding Five Votes, although possessed of more than Five Shares in the said Undertaking; and every Body Politic, Corporate or Collegiate, and every Person who shall, by virtue of this Act, have subscribed or undertaken for a Share in the said Undertaking, their, his or her respective Successors, Executors, Administrators and Assigns, who cannot attend such stated and General and Special Meetings, shall have a Vote for every such Share, but not exceeding Five Votes in the whole, although possessed of more than Five Shares in the said Undertaking, by their, his or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate or Collegiate, or under the Hand of such other Person, every such Proxy being a Proprietor in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter and Thing which shall be proposed, discussed or considered in any stated General, or any Special General Meeting of the said Association, shall be determined by the Majority of Votes and Proxies then present.

May vote by Proxy.

Majority to determine.

Joint Proprietors and Bodies Corporate, how to Vote.

VIII. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to a Share in the said Undertaking, such Persons shall be entitled to give their Vote or Votes, in respect thereof, by the Person whose Name shall stand first in the Books of the said Association, as Proprietors of such Share; and it shall be lawful to any Body Politic, Corporate or Collegiate, to give their Vote or Votes, by their Treasurer or Secretary, or any One of their Officers especially appointed by them for that Purpose; and no Subscriber or Subscribers, Proprietor or Proprietors to or for this Undertaking shall have a Vote at any Meeting, general or special, either of the Association or of the Committee of Management, upon any Question or Questions relating to the Concerns of the said Association, in which the said Subscriber or Subscribers shall have a separate Personal Interest.

Expences of General Meetings.

IX. And be it further enacted, That all the General Meetings of the said Association, shall be held in the City of *Edinburgh*, and at all and every such stated General and Special Meetings, the Parties composing them shall pay their own Expences.

Times of First and other General Meetings.

X. And be it further enacted, That the First General Meeting of the said Association of Proprietors for putting this Act into Execution shall be held at *Edinburgh* as aforesaid, upon the Third *Monday* after the passing of this Act, at the Hour of Twelve at Noon, and all future General Meetings of the said Association (except such Special General Meetings as hereinafter mentioned) shall be held on the Eighteenth Day of *June* in every Year thereafter, or if such Eighteenth Day of *June* shall fall upon a *Sunday*, then upon the *Monday* thereafter, at the Hour of Twelve at Noon, of all which General Meetings, Ten Days' previous Notice, at the least, shall be given by Public Advertisement, in any Two of the Newspapers usually published in *Edinburgh*, to be named by the Committee of Management after specified.

XI. And

Meetings of Proprietors may be specially convened.

XI. And be it further enacted, That if at any Time it shall appear that for the more effectually putting this Act into Execution a Special Meeting of the said Association is necessary to be holden, it shall and may be lawful to any Seven or more of the said Proprietors, or any Five or more of the Committee of Management, hereinafter mentioned, upon specifying in Writing, subscribed by them, the Purpose thereof, to require the Secretary of the said Association to call such a Meeting; and the said Secretary shall thereupon convene such Meeting, by giving at least Ten Days' Notice thereof by Advertisement as aforesaid, specifying in such Notice the Reason and Intention of requesting such Special Meeting, and the Time when and the Place where the same shall be holden; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Association, with regard to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them met together at such Special Meeting, shall be as valid with respect to the Matters specified in the said Notice as if the same had been done at any annual General Meeting; and at all such General and Special General Meetings of the said Association of Proprietors the Chairman, or in his Absence the Deputy Chairman of the Committee of Management, to be named as hereinafter mentioned, and in the Absence of both, the Director present highest on the List, shall be Chairman of such Meeting; and such Chairman shall not only have, in the first Place, a deliberative Voice as a Proprietor, but in case of an Equality of Votes, shall have a decisive or casting Vote; and all Questions, Matters and Things which shall be proposed, discussed, or considered at such General or Special Meetings, shall be decided and determined by the Majority of Votes of the Proprietors then present, and of the Proxies for such as shall be absent.

Chairman to have casting Vote.

Majority to determine.

General Meetings to consist at least of Proprietors or Proxies holding 50 Shares.

XII. Provided always, and be it further enacted, That if at such First, or any General, Special or Adjourned Meeting, there shall not be Persons present as Principals and Proxies, who shall be possessed of or entitled to Fifty Shares in the said Undertaking, no Business shall be done at any such Meeting, but the same shall be adjourned, and there shall be another General Meeting of the said Association upon that Day se'nnight thereafter, and so from time to time, until there be Persons present at such General Meeting, having as Principals and Proxies such Number of Shares as aforesaid; and of every such adjourned General Meeting Three Days' Notice shall be given by Advertisement as aforesaid.

Notice.

Appointment of Committee of Management.

XIII. And be it further enacted, That from and after the passing of this Act *Walter Francis* Duke of *Buccleuch* and *Queensberry John* Duke of *Atholl*, *James* Duke of *Montrose*, *Francis* Earl of *Moray*, *Charles* Earl of *Haddington*, *Thomas* Earl of *Elgin* and *Kincardine*, *Francis Wemyss Charteris* Earl of *Wemyss* and *March*, *Archibald John* Earl of *Rosebery*, *John* Earl of *Hopetoun*, *Robert Saunders* Viscount *Melville*, *George* Lord *Abercromby*, The Right Honourable Sir *John Sinclair*, Baronet, The Right Honourable *William Dundas*, The Right Honourable Sir *William Rae*, Baronet, Lord Advocate of *Scoland*, The Right Honourable *Charles Hope*, Lord President of the Court of Session,

sion, The Right Honourable *David Boyle*, Lord Justice Clerk, The Right Honourable *William Adam*, Lord Chief Commissioner of the Jury Court in *Scotland*, The Honourable *David Williamson*, one of the Senators of the College of Justice, The Honourable *Archibald Campbell*, one of the Senators of the College of Justice, The Honourable Baron *Clerk Rattray*, Sir *Robert Keith Dick*, Baronet, Sir *John Hope*, Baronet, Sir *George Clerk*, Baronet, Sir *John Hay*, Baronet, Sir *Charles Macdonald Lockhart*, Baronet, Sir *James Erskine*, Baronet, Sir *John Marjoribanks*, Baronet, Sir *Robert Dundas*, Baronet, Admiral Sir *William Johnstone Hope*, K.C.B., Admiral Sir *David Milne*, K.C.B., Vice Admiral *Fraser*, Colonel *Evan Macgregor Murray*, Sir *John Connel*, Knight; The Right Honourable *William Arbuthnot*, Lord Provost of Edinburgh, *Robert Dundas* of Arniston, Advocate, *John Borthwick*, Younger, of Crookestone, Advocate, *Gilbert Hutchison*, Advocate, The Reverend Dr. *George Baird*, Principal of the University of Edinburgh, The Reverend *John Inglis*, Doctor in Divinity, The Reverend *Thomas M'Knight*, Doctor in Divinity, Dr. *Thomas Charles Hope*, *Henry Jardine*, King's Remembrancer, *Robert Downie* of Appen, *William M'Donald* of St. Martins, Advocate, *John Scott* of Sinton, *Norman Lockhart* of Greenaton, *Archibald Alison*, Advocate, *John Ferrier*, Writer to His Majesty's Signet, *Claud Russell*, Accountant, *Gilbert Innes* of Stow, *Henry Home Drummond* of Blair Drummond, *Francis Jeffrey*, Advocate, *Henry Cockburn*, Advocate, *Forbes Hunter Blair*, Banker in Edinburgh, *John Hay*, Advocate, *James Walker*, Advocate, *William Inglis*, Writer to His Majesty's Signet, *Francis Walker*, Writer to His Majesty's Signet, *James Hope*, Writer to His Majesty's Signet, *Charles Cuningham*, Writer to His Majesty's Signet, *John Russell*, Writer to His Majesty's Signet, *Williams*, *William Trotter*, *Robert Johnston*, *Robert Stevenson*, and *Michael Linning*, shall be the Ordinary Directors of the said Association, and shall constitute a Committee of Management of the Concerns of the said Association, until the First General Meeting of the Proprietors of the said Association, to be held upon the Eighteenth Day of *June* One thousand eight hundred and twenty three, when Five thereof shall go out of office, and Five Directors shall be chosen in their room by Ballot among the Proprietors of the said Association, and so on upon the Day of the Annual General Meeting in every Year thereafter, a similar Appointment of Five Directors shall be made: Provided always, that no Person shall be qualified to be elected to act as one of the Directors of the said Association, without being possessed of Two Shares in the Stock of the same.

Qualification of Director.

First Meeting of Committee.

XIV. And be it enacted, that the said Committee of Management shall hold their First Meeting in the City of *Edinburgh*, on the Third *Tuesday* after the passing of this Act, at Twelve of the Clock Noon, and shall then and there proceed to carry this Act into Execution; and that it shall be lawful for the said Committee, and they are hereby required at their First Meeting, and also at their First Meeting after the Annual Election on the Eighteenth Day of *June* One thousand eight hundred and twenty three, and after each Annual Election thereafter, to elect a Chairman and a Vice Chairman; and at all Meetings of the Committee,

Chairman and Vice Chairman to be elected.

mittee, the Chairman, and in his Absence the Vice Chairman, and in the Absence of both, the Director present highest on the List shall preside; and the said Committee may adjourn their Meetings from time to time as they shall see cause, due Notice of such Adjournments being always given.

Nomination of Directors in case of Death, &c.

XV. And be it enacted, That in case of the Death or Resignation of any One or more of the said Directors, it shall and may be lawful to the Remainder of the said Directors, and they are hereby authorized and empowered at any Meeting of the Committee of Management, especially called for that Purpose, to name another Director or Directors qualified as aforesaid in the Room and Place of the said Director or Directors so deceasing or declining to act.

Meetings of Committee, Chairman, and Quorum.

XVI. And be it further enacted, That it shall and may be lawful for the said Committee of Management for the time being, and they are hereby authorized and required, from time to time, to assemble and meet together at any Place or Places in *Edinburgh* for the Direction and Management of the Affairs of the said Association; and that they shall hold Special Quarterly Meetings on the First *Saturday* in the Months of *January*, *April*, *June* and *October* in every Year, and that any Five or more Members of such Committee of Management, but not less, shall be a sufficient Number or Quorum to constitute a Meeting for the Purpose of doing all the Acts, Matters and Things, and exercising all the Powers and Authorities vested in such Committee; and that all Questions, Matters and Things, which shall be proposed, discussed or considered by the said Committee of Management at their Meetings, shall be decided and determined by the Majority of Members then present: Provided always, that if, on the Day appointed for any such Meeting of the Committee of Management, there shall not attend so many Members of such Committee as are hereby required to constitute a Meeting for exercising the Powers hereby vested in such Committee, then and in such case, and when and so often as the same shall happen, the Meeting shall be adjourned to any future Day to be fixed by the Member or Members, or Majority of them then present, or if no Member shall be present, by the Secretary to the said Association: Provided always, that Notice of each Meeting of the Committee shall be given by the Secretary in Writing or in Print signed by him to each Member thereof, at least Eight Days before it is to take place; and that the Secretary shall at all times have it in his Power to call Meetings of the Committees on receiving a Requisition to that effect from Five Members of the Committee.

Proviso for insufficient Number.

Notice of Meetings.

Committee of Management to appoint Officers.

XVII. And be it further enacted, That it shall and may be lawful for the said Committee of Management, and they are hereby authorized and required from time to time to nominate and appoint a Treasurer or Collector, and also a Secretary to the said Association, and such other Officer or Officers, as the said Committee of Management shall think proper and expedient, for the better carrying the Purposes of this Act into Execution, and to give them such Salaries or Allowances as they may think proper; the said Committee of Management always taking good and sufficient Security, and to such extent as they shall think requisite from such Treasurer, Collector and other Officer, appointed to receive Money,

Salaries. Security.

Money, or to have the Care or Custody thereof, for the due accounting for all such Monies with which they may be entrusted, and for the faithful Discharge of the Trust reposed in them; and also from time to time to discharge and dismiss any such Treasurers, Collectors, Secretary and other Officers, and appoint others in their Stead, as the said Committee of Management shall think fit; and that all such Treasurers, Collectors, Secretary and other Officers of the said Association, who shall at any Time quit or be dismissed from the Service of the same, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such other Person or Persons as they shall appoint, all Books, Accounts, Writings and Papers whatsoever which shall be in the Custody or Power of such Treasurers, Collectors, Secretary or other Officers, Executors or Administrators respectively, in any wise relating to the said Undertaking; and the said Committee of Management shall have Power and Authority, and they are hereby required to balance, or cause to be balanced, the Books of the said Association on the Fifteenth Day of *May* in every Year, the First Balance being made on the Fifteenth Day of *May* One thousand eight hundred and twenty three, or on the Sixteenth Day of *May* when the Fifteenth falls on a *Sunday*; and the same being so balanced, shall be examined by disinterested Persons unconnected with the said Association, and shall be doqueted and signed by them, and by the major Number or Quorum of the said Committee of Management, and shall be produced at the General Meeting of the said Association to be held on the Eighteenth Day of *June* One thousand eight hundred and twenty three, and every Year thereafter, so that any of the Proprietors attending the said Meeting may have an Opportunity of inspecting the same; and the Books of the said Association shall be Patent, and open for the Inspection of all the Proprietors and of all concerned, for Three Weeks subsequent to the said Eighteenth Day of *June* in each Year as aforesaid: Provided always, and be it enacted, That the said Committee shall not be answerable for Mistakes, Omissions, nor for the Sufficiency or Responsibility of any Security or Securities to be taken under the Authority of this Act, nor for Receipts, Acts or Omissions of the Treasurer, Secretary or other Officers of the said Association, nor any one of the said Committee for the others, but each of them for his own Receipts, Acts and Omissions only.

May discharge such Officers, &c. and appoint others.

Accounts to be balanced, &c.

Committee not answerable for Omissions, &c. of others.

Office of Secretary and Treasurer not to be held by the same Person.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Committee to appoint the Person who may be appointed to act as their Secretary in the Execution of this Act, or the Partner of any such Secretary, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Secretary to the said Association; and if any Person shall act in both the Capacities of Secretary and Treasurer by virtue of this Act, or if any Person being the Partner of any such Secretary shall act as Treasurer, or being the Partner of any such Treasurer shall act as Secretary in the Execution of this Act, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same,

Penalty, £50.

same, to be recovered by summary Complaint before the Justices of the Peace at their Quarter Sessions, or before the Sheriff or Steward Depute or Substitute of the County or Stewartry where the Offender may reside.

Powers of Committee to purchase Land, &c.

XIX. And be it further enacted, That the said Committee of Management or Quorum aforesaid, shall also have full Power and Authority on Behalf of the said Association to contract for and purchase all such Ground, Tenements and Heritages, and again dispose thereof, if they shall see Cause, and all such Materials and other Things, as shall or may be wanted for the said Undertaking, and which are hereby authorized to be made, and to treat and agree with all and every Person or Persons, Bodies Politic, Corporate or Collegiate whomsoever, touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants or other Persons, in and about, or for carrying on the said Undertaking and Works, or any Part thereof, as shall be thought expedient, and to enter into and make all such Contracts, Bargains and Agreements whatever, touching or in any wise concerning the said Undertaking, as they shall think proper and to order and direct how the several Works shall from time to time be carried on, and generally to direct and manage all and singular the Affairs and Business of the said Association, and to do and execute and perform all Acts, Matters and Things, which the said Association are by this Act authorized to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large, at any Meeting or Meetings of such Proprietors to be held as herein directed.

Committee to enter their Proceedings in Books; how far Money may be issued by Treasurer.

XX. And be it further enacted, That the Committee of Management shall enter, or cause to be entered, into Books, a full and true Account of all Money disbursed, and Payments made by such Committee, and by all and every Person and Persons employed by or under them, and of all Monies that shall be paid to or received by them respectively, for or on account of the said Association, and also a full and true Account, or proper Notes or Minutes of every Contract, Bargain and Agreement, which shall be entered into by them respectively, for or on Behalf of the said Association, and of all and singular their respective Orders, Transactions and Proceedings whatsoever, and in and about the Affairs and Business of the said Association, but that no Money shall be issued or paid by the Treasurer to the said Association, for or on account of the said Association, otherwise than in such manner as shall be directed by the Committee of Management.

Collectors, &c. to deliver Accounts.

XXI. And be it further enacted, That all and every Officer or Officers, Person and Persons to be employed by or under such Committee of Management, shall from time to time when thereunto required by the said Committee, deliver to such Committee, or to such Person or Persons as they shall for that Purpose appoint, true, exact and perfect Accounts in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall

shall pay all such Monies as shall remain in their or any of their Hands to the said Committee of Management, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts, and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Accounts in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Committee of Management, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Committee, all the Books, Papers and Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases, it shall be lawful for any Two or more Magistrates or Justices of the Peace for the County, Town or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Committee of Management, and such Magistrates and Justices are hereby authorized and required, by Warrant or Warrants under their Hands, to cause such Officer or Officers, Person or Persons to be brought before them, and upon his, her or their appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths such Magistrates and Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if produced, it shall appear to such Magistrates or Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Magistrates or Justices may, and they are hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under their Hands, to cause such Money to be levied by poinding and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects can be found sufficient to answer and satisfy the said Money, and the Charges of poinding and selling the same, or if such Officer, or other Person, shall not appear before the said Magistrates or Justices, unless for some sufficient Excuse alleged at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Magistrates or Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Magistrates or Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings in his, her or their Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid such Magistrates or Justices may, and they are hereby authorized and required, by Warrant or Warrants under their Hands, to commit such Officer or Person to the Common Gaol or House of Correction of the County, Town or Place where such Offender shall be or reside, there to remain until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed

Neglecting.

May be brought before Magistrates.

Complaint settled summarily.

Upon Nonpayment of Money by Officer.

Proceedings.

Imprisonment.

agreed with the said Committee of Management, and shall have paid such Composition in such manner as the said Committee shall appoint, and which Composition the said Committee are hereby empowered to make, or until he shall have delivered up such Books, Papers and Writings as aforesaid, or made Satisfaction in respect thereof, to the said Committee: Provided always, that no Person who shall be so committed for want of sufficient Effects shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Term of Imprisonment for want of Effects.

XXII. And be it further enacted, That the Committee of Management shall have full Power and Authority from time to time, at any of their Meetings aforesaid, to make such Call or Calls for Money from the several Subscribers to the said Undertaking, in order to defray the Expences of or for carrying on the same, as they shall from time to time find necessary for these Purposes, until the Sums subscribed are fully paid; all which Money so to be called for as aforesaid, shall be paid into the Hands of the Treasurer for the said Association, to be issued, paid and applied for carrying on the said Undertaking, in such manner as the said Committee of Management shall from time to time order and direct.

Committee of Management to make Calls for Money.

XXIII. And be it further enacted, That the Proprietor or Proprietors of every Share or Shares in the said Undertaking, or Subscriber or Subscribers to the same, shall from time to time pay his, or her or their Portion of the Money so to be called for, as hereinbefore mentioned, into the Hands of the Treasurer of the said Association, at such Time and Place in the City of *Edinburgh*, as shall be appointed for that Purpose by the Committee of Management making such a Call, and of which Notice shall be given by public Advertisement in any Two of the Newspapers usually published in *Edinburgh*; and that if any Person or Persons shall neglect or refuse to pay his, her or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in manner aforesaid, it shall be lawful for the said Committee of Management to sue for and recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, from the Time appointed for the Payment thereof, in any competent Court in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, as the case may be; and in case any Person or Persons holding a Share or Shares in the said Undertaking shall neglect or refuse to pay his, her or their proportionable Part of the Money so first to be called for as aforesaid, for the Space of Six Calendar Months after the Time to be appointed for Payment of the said First Call as aforesaid, and the same shall not have been sued for by the said Association as aforesaid; or if sued for shall not have been recovered by them, then and in such case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her or their Share, Part and Interest whatsoever in the said Undertaking; and all Shares that shall or may be so forfeited shall be vested in the said Association in Trust for and for the Benefit of all the Rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking; or shall, at the Discretion of the said Association or Committee of Management, be sold by public Auction, for

Proprietors to pay their Shares of Money called for at Place appointed.

Neglect.

Proceedings.

If First Call not paid in Six Months, Shares forfeited.

for the most Money that can be got for the same, and the Sum or Sums which shall be obtained for the same shall be applied to the Purposes of this Act; and in the Event that any Person or Persons holding such Share or Shares as aforesaid, paying any such First Call, shall neglect or refuse to pay his, her or their proportionable Part or Parts of the Money to be thereafter called for as aforesaid, and for the Space of Six Calendar Months after the Time to be appointed for the Payment thereof as aforesaid, and the same shall not be sued for by the said Association as aforesaid, or if sued for shall not be recovered by them, then and in such case the Share or Shares shall and may be sold by the said Association or their Committee of Management, by public Auction, for the highest or best Price or Prices that can be got for the same, every such Sale being advertized once a Week at least for Two Weeks successively in some Two or more of the Newspapers published in *Edinburgh*; and the said Association, or the said Committee of Management, rendering an Account of every such Sale or Sales to every such Person or Persons when demanded, and paying to every such Person any Overplus of any such Price or Prices, after deducting all such Charges, and such farther proportionable Sum or Sums of Money which may remain due upon such Share or Shares by such Person or Persons to the said Association; but no Advantage shall be taken of such Forfeiture of any Share or Shares, in the said Undertaking as aforesaid, unless the same shall be declared at some General or Special Meeting of the said Association or Committee of Management which shall be held not earlier than Three Months next after the said Forfeiture shall happen; and that every such Forfeiture so to be declared, shall be an absolute Indemnification and Discharge, to and for the Proprietor or Proprietors, his, her or their Executors, Administrators, Successors and Assigns so forfeiting, against all Actions, Suits and Prosecutions for any Breach of Contract, or other Agreement between such Proprietor or Proprietors, his, her or their Executors, Administrators, Successors and Assigns, and the said Association, with regard to the future carrying on and Management of the said Undertaking.

And Sold by public Auction.

Direction for Proceedings and Actions for Calls.

XXIV. And be it further enacted, That in any Actions or Suits brought by the said Association against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Association for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Association to declare and allege that the Defender or Defenders, Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Association in such Sum or Sums of Money as the Call or Calls in Arrear shall amount to; for such and so many Call or Calls, of such and so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defender or Defenders, Defendant or Defendants (as the case may happen to be) whereby a Right of Action or Suit hath accrued to the said Association by virtue of this Act, without setting forth the special Matter; and, in such Action or Suit it shall only be necessary to prove that the Defender or Defenders, Defendant or Defendants, at the Time of making such

such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given, as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or other Matters whatsoever; and the said Association shall thereupon be entitled to recover the Call or Calls which shall appear to be due, and the legal Interest that may be due thereon, and the Expences that may be incurred in prosecuting for and recovering the same.

Proof of Appointment of Committee not necessary.

XXV. And be it further enacted, That after a Call of such Money shall have been made by such Committee as aforesaid, every Person and all Persons selling or transferring any Share or Shares which he, she or they shall possess in the said Undertaking, shall, as well as the Person or Persons to whom such Share or Shares shall be sold, be liable in the Payment of every such Call in the manner directed by this Act; unless such Person or Persons so selling or transferring shall, at the Time of such Sale or Transfer, have paid to the Treasurer of the said Association of Proprietors, the whole and entire Sum of Money which shall have been previously called for upon each Share so sold or transferred.

Persons buying or selling Shares after a Call, to be liable for such Call.

XXVI. And be it further enacted, That it shall and may be lawful to and in the Power of the said Association, or of their Committee of Management, to borrow or to take up in Loan, at Interest, any Sum or Sums of Money for completing the said Undertaking, if requisite, not exceeding the Sum of Ten thousand Pounds in the Whole, and to grant, execute, and deliver to and in Favour of the Lenders, or those having Right, such Bonds, Obligations or other Deeds in Writing as may be required, binding the whole Works of every Kind belonging to the said Association, for Payment of the Sum or Sums so borrowed, with Interest and Penalty, as is usual in such Cases; and such Deeds shall, if it shall be requisite, contain the Clauses usual and necessary by the Laws of *Scotland*, for vesting in the Lenders of the said Monies the heritable Subjects belonging to the said Association, in Security of the said Sums.

Power to borrow Money not exceeding 10,000*l.*

XXVII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her or their respective Successors, Executors, Administrators and Assigns, to sell and dispose of any Share or Shares to which he, she or they may be entitled therein, subject to the Rules and Conditions herein mentioned; and, on every such Sale, the Assignment or Deed of Conveyance, (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Shares), shall be indorsed by any Three of the said Committee of Management, and shall be kept by the said Purchaser or Purchasers for his, her or their Security, after the Secretary to the said Association shall have entered in a proper Book or Books, to be kept for that Purpose, a Memorial or Specification of such Transfer and Sale for the Use of the said Association, and shall have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Five Shillings shall be paid; and the said Secretary is hereby required to make such Entry or Memorial accordingly, immediately without any undue Delay; and until such Deed of Sale, Indorsement and Memorial shall have been made and entered as above

Shares may be sold.

Assignment to be entered in Books of Company.

Right of Voting.

above directed, such Purchaser or Purchasers shall have no Right to any Vote as a Proprietor or Proprietors of the said Undertaking.

Names of Proprietors to be entered, and Certificates of Shares delivered.

XXVIII. And be it further enacted, That the said Committee of Management shall and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of the Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by their Secretary, and after such Entry, to cause the same to be signed by their Chairman; and they shall also cause a Certificate so signed by the Chairman and Secretary to be delivered to every Proprietor on Demand, specifying the Share or Shares to which he, she or they is or are entitled in the said Undertaking; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor, his, her or their Successors, Executors, Administrators and Assigns, to the Share or Shares therein specified.

Certificates Evidence of Title.

For making and receiving Calls, Persons whose Names are standing in the Books as Proprietors, deemed actual Proprietors.

XXIX. And be it further enacted, That the Bodies Politic, Corporate and Collegiate, and all and every Person or Persons whose Names shall at any Time hereafter stand in the said Register Book, or List of Proprietors of the said Association, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as Subscribers or as Successors, Executors, Administrators or Assigns of Subscribers, shall be deemed and taken to be Proprietors of the several Share or Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given, previous to the Forfeiture of Shares to the Proprietors thereof, shall, if given to the Persons appearing, by the Register Book of the said Association to be such Proprietor or Proprietors, or their Representatives, or left at his, her or their last or most usual Place of Abode, be in all Respects good, sufficient, and conclusive; and that no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any Share or Shares, which shall not have been enrolled or registered as directed by this Act, shall be admitted as Evidence either to defeat any Action or Suit brought, or to be brought, by the said Association to recover the said Calls, or to entitle any Person to recover any Share or Shares forfeited to the Association of Proprietors, other than such Persons as appear upon the said Book to be Proprietors of the said Shares; but that, in all Cases, the said Book shall be considered as Evidence of the Proprietorship of the said Share or Shares.

Books Evidence of Proprietorship.

Association or Committee may contract for Purchase of Grounds.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Association, or their Committee of Management, and they are hereby empowered, as often as it may be necessary, to contract and agree for the absolute Purchase of any Grounds, Tenements or Heritages which they may require for the Purposes of this Act, with any Body Politic, Corporate or Collegiate, Heirs of Entail, or any Tenant or Tenants for Life, or for

any Term or Terms of Years, absolute or determinable on any Life or Lives, or any Trustee or Trustees, Executors, Administrators, Husbands, Guardians, Tutors or Curators for Minors or for fatuous and furious Persons, or Persons under any legal Disability or Incapacity, not only for and in Behalf of themselves, their Heirs and Successors, but also for and in Behalf of the respective Persons interested, whether Infants, Minors, or Issue unborn, fatuous or furious Persons, or married Women or Persons under any legal Disability or Incapacity, who are or shall be seised, possessed of, or interested in their own Right, or with any Person or Persons whomsoever, who shall be willing to sell the same, for the Uses and Purposes of this Act; and it shall and may be lawful to and for the said Association to hold such Lands, Tenements and Heritages so purchased; any Law or Statute to the contrary notwithstanding.

Powers to Heirs of Entail, &c. to convey Ground, &c.

XXXI. And be it enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, Idiots, fatuous or furious Persons, for Persons absent from *Scotland* and for others, and to and for all and every other Person or Persons whatsoever, under any other Disability or Incapacity, who are or shall be seised, possessed of, interested in or entitled to any of the Grounds, Houses or other Premises required for the Purposes of this Act, to sell and convey the same to the said Association, or otherwise to agree with them for the Use thereof for the Purposes aforesaid, or if they shall see fit to give, grant and convey to the said Association the said Grounds, Houses or other Premises, without requiring or taking any Price or Recompence for the same; and that all Contracts, Agreements, Sales or other Conveyances that shall be made, shall be valid to all Intents and Purposes; any Law, Statute, Usage or other Matter or Thing whatsoever to the contrary notwithstanding.

Contracts valid.

Application of Compensation when amounting to 200l.

XXXII. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements or Heritages, or other Premises purchased or taken or used, by virtue of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to Two hundred Pounds, under the Direction and by Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way on behalf of the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the said Lands, Tenements or Heritages standing settled therewith, to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and

invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Heritages, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same manner as the Lands, Tenements or Heritages, which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the Interest or annual Produce of such Money shall from time to time be paid, by order of the said Court, to or for behoof of the Person or Persons who would for the time have been entitled to the Rents and Profits of the Land, Tenements and Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

When less than 200l. and above 20l.

XXXIII. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements or Heritages purchased, taken or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such cases the same shall, at the Option of the Person or Persons for the time being entitled to the Rents and Profits of the Lands, Tenements and Heritages so purchased, taken or used, or of his, her or their Tutors or Curators in Case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, to be paid into any of the said Banks, and be placed to his, her or their Accounts as aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Committee of Management, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such principal Money, and the Interest arising thereon, may be applied in any manner hereinbefore directed, so far as the case may be applicable.

When less than 20l.

XXXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as last before mentioned, shall be less than Twenty Pounds, then and in all such cases, the same shall be applied to the Use of the Person or Persons who would for the time being have been entitled to the Rents and Profits of the Lands, Tenements or Heritages so purchased, taken or used for the Purposes of this Act, in such manner as the said Committee, or any Five or more of them, shall think fit; or, in case of Infancy or Lunacy, then to his, her or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where Question arises touching Right to Purchase Money paid in, Persons in Possession at

XXXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, under the Direction and by Authority of the Court of Session in pursuance of this Act, for the Purchase of any Lands, Tenements or

Heritages, or any Estate, Right or Interest, in any Lands, Tenements or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons shall be deemed and taken to have been lawfully entitled to such Lands, Tenements and Heritages according to such Possession, until the contrary shall be shown to the satisfaction of the said Court, and the Rents and Profits of the Lands, Tenements and Heritages to be purchased with such Money, and also the Lands, Tenements and Heritages so purchased shall be paid, applied and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Heritages, or to some Estate or Interest therein.

Time of Purchase deemed lawfully entitled.

XXXVI. Provided also, and be it further enacted, That where by Reason of any Disability and Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements or Heritages, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied to the Purchase of other Lands, Tenements or Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Prices and other Expences of all Purchases to be made from time to time in pursuance of this Act, or so much of such Prices or other Expences as the Court shall deem reasonable to be paid by the said Association of Contributors, who shall from time to time pay such Sums of Money for such Purchases as the said Court shall direct; and provided also, that in all cases where it shall be necessary to make Application to the said Court in regard to any Monies so paid into the said Court, the Expence of such Application shall be paid by the said Association.

Court may order Application of Purchase Money in Cases of Incapacity.

XXXVII. And be it enacted, That the said Association, or their Committee of Management, shall and may build and erect, or cause to be built and erected, upon the Grounds and Premises to be acquired by them as before mentioned, a Building or Erection, Buildings or Erections, of ornamental Architecture appropriate to the Purposes of a National Monument as aforesaid, in such manner, and upon such Plan or Plans as they shall see fit.

National Monument to be erected.

XXXVIII. Provided always, and be it enacted, That Part of the said Building or Erection, Buildings or Erections, shall be appropriated as a Church, or Place for Divine Worship, to be maintained in all Time coming by the said Association.

To comprehend a Place of Worship.

XXXIX. And be it enacted, That the whole Charges and Expences of preparing Plans, and of making the said Building or Erection, Buildings or Erections, and the said Church or Place for Divine Worship connected therewith, and of all the Furniture, Ornaments and finishing of the same, and of afterwards maintaining and upholding the same, shall be defrayed from the Funds of the said Association.

Association to defray the Charges thereof.

XL. And be it further enacted, That a Majority of the Members of the said Association who shall be present at their said annual Meeting, to be held as aforesaid, shall have Power, and they

Bye Laws may be made by Majority of Members.

are hereby authorized and empowered from time to time to make such Rules, Regulations and Bye Laws as they shall judge expedient for the Regulation of the Affairs of the said Association, and to fix and ascertain the Nature and Extent of the Rights and Privileges of the Members thereof in regard to the said Monument: Provided always, that the Rules, Regulations and Bye Laws, Rights and Privileges, so to be made and ascertained, shall not be contrary to the Law of *Scotland*, or repugnant to any of the Provisions in this Act contained.

Places for Sepulture.

XLI. And be it enacted, That it shall be lawful to the said Association, or their Committee of Management, to make and construct Places of Sepulture beneath or connected with the said Church or Place of Worship; and to let or sell the same for the best Rents or Prices that can be had for the same; and such Rents or Prices shall be applied by the said Association to the Purposes of this Undertaking.

Patronage vested in His Majesty.

XLII. And be it enacted, That the Advocation, Donation and Right of Patronage of any Church or Place of Public Worship, to be erected and maintained as aforesaid, shall be and the same are hereby vested in His Majesty and His Royal Successors.

Notices, &c. on the Association how to be served.

XLIII. And be it further enacted, That in all cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties to serve any Notice or Notices, or any legal Proceedings upon the said Association, the Service thereof upon the Secretary of the said Association, or left at the Office of such Secretary, or at his last or usual Place of Abode, or in case the same cannot be found or known, then Service upon any other Agent or Officer employed by the said Association, or on any Member of the said Association, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Association.

Application of Money to be raised.

XLIV. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act, is hereby directed and appointed to be laid out and applied, in the first Place, for and towards the Payment, Discharge and Satisfaction of all Costs, Charges and Expences in applying for, obtaining and passing this Act, and all the necessary Expences preparatory and relating thereto; and all the Residue and Remainder of the said Money for and towards making, completing and maintaining the aforesaid Buildings, Erections and other Works, and for other the Purposes of this Act, and to no other Use, Intent or Purpose whatsoever.

Public Act.

XLV. And be it enacted, that this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices and others, without being specially pleaded.

CAP. CI.

An Act for granting to His Majesty a Sum of Money to be raised by Lotteries. [31st *July* 1822.]

[*This Act is the same as* 1 & 2 *G.* 4. *c.* 120. *except as to Dates and Sums, and the Sections that are here retained.*]

Notice to be given of the Drawing.

X. AND be it further enacted, That on or before the respective Days that shall be appointed for the Drawing of each of the said Lotteries

Lotteries respectively, the said Managers and Directors shall cause the said several Boxes, with all the Tickets therein for the said Lotteries, to be brought into some convenient Hall or Place within the City of *London* or *Westminster*, whereof and of the Number of Tickets intended to be drawn, due Notice shall be published in the *London Gazette* Seven Days at least before the Day appointed for the Commencement of such Drawing, so that the same may be there, and placed on a Stage or Table provided for that Purpose, and the Number of Tickets intended to be drawn, ascertained and published as nearly as possible, at such Hour of the Day as the said Managers and Directors shall fix and appoint; and shall then and there attend the Service, and cause the Two Boxes containing the said Tickets to be taken out of the other Two Boxes in which they shall have been locked up; and the Tickets in the respective innermost Boxes being in the Presence of the said Managers and Directors, or such of them as shall be then present, and of such Adventurers as may be there, for the Satisfaction of themselves, well shaken and mingled in each Box distinctly, some one indifferent and fit Person, to be appointed and directed by the said Managers and Directors, or the major Part of them, or such of them as shall be then present, shall take out and draw one Ticket from the Box where the said numbered Tickets shall be put as aforesaid; and one other indifferent and fit Person, to be appointed and directed in like manner, shall take out a Ticket from the Box where the Fortunate and Blank Tickets shall be promiscuously put as aforesaid; and immediately both the Tickets so drawn shall be opened, and the Numbers as well of the Fortunate as of the Blank Ticket shall be named aloud; and if the Ticket taken or drawn from the Box containing the Fortunate and Blank Ticket shall appear to be a Blank, then the numbered Ticket so drawn, with the said Blank at the same time drawn, shall both be put upon one File; and if the Ticket so drawn or taken from the Box containing the Fortunate and Blank Tickets shall appear to be one of the Fortunate Tickets, then the Principal Sum written upon such Fortunate Ticket shall be entered by a Clerk, which the said Managers and Directors, or the major Part of them as aforesaid, shall employ and oversee for this Purpose, into a Book to be kept for entering the Numbers coming up with the said Fortunate Tickets, and the principal Sums whereunto they shall be entitled respectively, and Two of the said Managers and Directors shall set their Names as Witnesses at such Entries; and the said Fortunate and numbered Tickets so drawn together shall be put upon another File; and so the said Drawing of the said Tickets shall continue, by taking One Ticket at a time out of each Box, and with opening, naming aloud, and filing the same, and by entering the Fortunate Lots in the manner aforesaid, until the whole Number of Fortunate Tickets shall be completely drawn: And provided that the said Commissioners of the Treasury, or any Three or more of them, shall have thought proper and expedient that any such Lottery shall continue drawing more than One Day, the said Managers and Directors shall cause the Boxes to be locked up and sealed in manner aforesaid, and adjourned till the next Day of Drawing of the said Lottery, and so for each Day of Drawing of the Lottery; and the said Managers and Directors

Method to be observed in Drawing, &c.

shall and may regulate the Time of continuing to draw the Tickets, and lessen or increase the Number of the Tickets to be so drawn on each Day of Drawing, as they or the major Part of them shall in their Discretion think necessary, and shall proceed therein for such Number of Days as shall have been appointed by the said Commissioners of the Treasury, or any Three or more of them for that Purpose, till the whole Number of Fortunate Tickets shall be completely drawn as aforesaid; and afterwards the said numbered Tickets so drawn, with the Fortunate Tickets drawn against the same, shall be and remain in the Custody of the said Managers and Directors, until they shall examine, adjust and settle the Property thereof.

Secretary being a Barrister empowered to act as an Attorney for punishing Offences, &c.

XXXVIII. And be it further enacted, That any Person for the time being holding the Office of Secretary to the Managers and Directors of the Lottery appointed under and by virtue of this Act, being a Barrister at Law, shall, for the Purposes only of executing all or any of the Provisions and carrying on all or any Prosecutions for any Offence, or for Punishment of any Offenders, or for the Recovery of any Penalty or Penalties under any of the Provisions of this Act, may and is hereby fully authorized and empowered to act as an Attorney and Solicitor, without being subject to any Pains or Penalties, or being subject to or deemed or construed to be subject to any of the Regulations respecting Attornies and Solicitors contained in any Act of Parliament or in any Order or Orders made by any Court of Record in *Great Britain* or otherwise.

No Tickets to be sold but such as are authorized, nor Shares or Chances other than Halves, Quarters, Eighths, and Sixteenths, on Penalty of 50l.

XXXIX. And be it further enacted, That if any Person or Persons shall sell any Ticket or Tickets, Chance or Chances, Share or Shares of any Ticket or Tickets, Chance or Chances, in any Lottery or Lotteries authorized by any Foreign Potentate or State, or to be drawn in any Foreign Country, or in any Lottery or Lotteries, except such as are or shall be authorized by this or some other Act of Parliament to be sold, or shall publish any Proposal or Scheme for the Sale of any Ticket or Tickets, Chance or Chances, Share or Shares of any Ticket or Tickets, Chance or Chances, except such Lottery or Lotteries as shall be authorized as aforesaid, or shall sell any Share or Shares of any Ticket or Tickets, Chance or Chances in any Lottery to be drawn in pursuance of this Act, in any other Proportion or Proportions than One Half, Quarter, Eighth or Sixteenth Part or Share only; or shall publish any Proposal or Scheme for selling any Share or Shares, or enter into any Agreement or Agreements for any Share or Shares of any Ticket or Tickets, Chance or Chances in the said respective Lotteries, in any other Proportion than One Half, Quarter, Eighth or Sixteenth Part or Share; such Person or Persons shall for every such Offence forfeit and pay the Sum of Fifty Pounds, and shall also be deemed a Rogue and Vagabond or Rogues and Vagabonds, and shall be punished as such in the manner hereinafter directed; Provided always, that the Punishment of being deemed a Rogue and Vagabond, and punished as such, shall not be held to extend to those Proprietors, Printers or Publishers of Newspapers, who, upon the hearing of any Case before any Magistrates where a Breach of the Regulations above mentioned, as to publishing Proposals for the Sale of Tickets

Publishing unlawful Schemes, penalty and punishment.

Proviso as to Publishers of Newspapers.

and

and Shares in Foreign Lotteries, or Lotteries not authorized by Act of Parliament of *Great Britain* and *Ireland*, shall be imputed or alleged against him or them, shall prove that he or they, at the Time of committing the Offence, had complied with the Provisions contained in the several Acts of Parliament passed in the Thirty eighth, the Fifty fifth and the Sixtieth Years respectively of His late Majesty King *George* the Third respecting Newspapers.

CAP. CII.

An Act to repeal an Act of the First and Second Year of His present Majesty, for facilitating the Dispatch of Business in the Court of King's Bench; and to make further Provisions in lieu thereof. [31*st July* 1822.]

'WHEREAS by an Act passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act for further facilitating the Dispatch of Business in the Court of King's Bench*, the Judges of the Court of King's Bench were enabled and required, for the Dispatch of Matters depending in the said Court, to sit at certain Times therein mentioned, before *Hilary*, *Easter* and *Michaelmas* Terms respectively: And Whereas it is expedient to repeal the said Act, and to make other Provisions for the Dispatch of Business in the said Court, in lieu thereof:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Act, and every Clause and Provision thereof, shall be and the same are hereby repealed. 1 & 2 G. 4. c. 16. § 1. repealed.

II. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for His Majesty, His Heirs and Successors, and He and they are hereby authorized, from time to time, as to Him or them shall seem meet, by Warrant under His or their Sign Manual, directed to the Judges of the said Court, to direct and require the Judges of the said Court, or any Two or more of them, to meet at *Serjeants' Inn Hall*, *Westminster Hall* or some other convenient Place, to be by them appointed, on such and so many Days in the Vacation or Interval between any Terms, as to His Majesty, His Heirs and Successors, shall seem fit and proper, for the Dispatch of such Matters as at the End of the Term mentioned in such Warrant may be depending in the said Court, whether on the Crown or Plea Side thereof. His Majesty may by Warrant direct Sittings before Term to be held.

III. Provided always, and be it further enacted, That such Warrant shall be made and issued Ten Days at the least before the End of the Term preceding the Vacation mentioned in such Warrant for the Meeting of the Judges for the Dispatch of Business as aforesaid; and that the issuing of such Warrant shall, Three Days before the End of the said Term, be openly and publicly, in the said Court of King's Bench, notified and declared, and be afterwards published in *The London Gazette*. Warrant declared in the previous Term and Gazetted.

IV. And be it further enacted, That when and so often as any Judges required

to meet according to the Warrant.

any such Warrant shall be made and directed to the Judges of the said Court of King's Bench as aforesaid, it shall and may be lawful to and for the Judges of the said Court, or any Two or more of them, and they are hereby required, unless prevented by Illness, Public Business or other reasonable Cause, to meet in pursuance of such Warrant, for the Dispatch of such Matters as aforesaid, or of so much and such Parts thereof as may appear to such Judges chiefly to require Dispatch, and as may be then most conveniently dispatched, and to hear, decide and pronounce Rules, Orders and Judgments thereupon; which Rules, Orders and Judgments, shall be drawn up and entered of Record, either of the Term last past before the pronouncing thereof, or as of the Term then next ensuing, as the said Judges shall direct.

Enlarged Rules to shew Cause, deemed as well of such Sittings when granted, as of the next ensuing Term.

V. And be it further enacted, That all enlarged Rules to shew Cause, which may be pronounced or drawn up by or by the Direction of the said Court, for shewing Cause in any Term next after any of such Sittings directed by such Warrant as aforesaid, shall be deemed and taken to be Rules to shew Cause as well at such Sittings as in the Term then next following, and may be heard and decided in such Sittings accordingly: Provided always, that nothing herein contained shall alter or affect the Return of any Writ, either Mesne or Judicial, or require any Return of such Writ or Appearance thereto, before the Day therein mentioned.

CAP. CIII.

An Act for the Appointment of Constables, and to secure the effectual Performance of the Duties of their Office, and for the Appointment of Magistrates in *Ireland*, in certain Cases. [5th *August* 1822.]

Lord Lieutenant empowered to appoint One Chief Constable for every Barony, and by Proclamation to require Magistrates to appoint Constables for every County.

'WHEREAS it is expedient to establish a new and more effective System for the Appointment and Regulation of Constables throughout *Ireland*:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at any Time after the passing of this Act, it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, and he and they is and are hereby authorized and empowered, by Warrant under his or their Hand, to appoint One Chief Constable for each and every or any Barony or Half Barony, or other Division of a Barony, or for any Two or more Baronies lying together and being in the same County in *Ireland*, and also by Proclamation to be inserted in the *Dublin Gazette*, to require the Magistrates in the Commission of the Peace for any County in *Ireland*, to be assembled on a Day to be named in such Proclamation, at the Assize Town of such County, and there to nominate such Number of Constables and Sub Constables in and for such County, as shall be specified in such Proclamation, not exceeding in the whole in any County, a Number after the Rate of Sixteen for each Barony or Half Barony, or other Division of a Barony within such County, to be stationed in and through the several

several Baronies and Half Baronies in such Countries; and that the Magistrates of every such County so assembled, Ten at least being present, shall proceed to name such Constables and Sub Constables accordingly; and that when any Vacancy or Vacancies shall arise, the Chief Constable of the Barony or Half Barony in which such Vacancy shall arise, shall report the same to the Magistrates at the Quarter Sessions of such County, and such Magistrates shall thereupon proceed to fill up such Vacancy or Vacancies, by appointing another or other Constable or Constables, or Sub Constable or Sub Constables, to fill any such Vacancy or Vacancies as aforesaid: Provided always, That if the Magistrates of any County shall omit or neglect to assemble, as required by any such Proclamations as aforesaid, or shall, from any Cause, neglect or omit to nominate and appoint such Number of Constables and Sub Constables as shall be specified in such Proclamation, within Fourteen Days next after the Day named in such Proclamation, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to nominate and appoint such Constables and Sub Constables; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, from time to time, at his or their Pleasure, to remove all or any and every such Chief Constable, and all or every and any such Constables or Sub Constables; and also to order such Arms and Accoutrements, Saddles, Bridles, Clothing and Appointments, to be delivered from His Majesty's Stores to every such Chief Constable, as such Lord Lieutenant or other Chief Governor or Governors shall from time to time think proper; and such Arms and Accoutrements, Saddles, Bridles, Clothing and Appointments shall accordingly be delivered to such Chief Constable for the Use of such Constables, and of all Constables who shall from time to time be within his District; and it shall and may also be lawful for such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in his or their Discretion, to direct such Horses to be purchased for such Number of such Chief Constables and other Constables, as shall from time to time be thought proper and necessary by such Lord Lieutenant, or other Chief Governor or Governors, for the time being.

On Neglect of Magistrates, Lord Lieutenant may appoint.

Lord Lieutenant may remove all such Constables.

Arms delivered to Chief Constable for use of himself and Constables.

Horses to be provided.

II. Provided always, and be it enacted, That in any Case in which the Magistrates of any County, at the General Quarter Session for such County, shall certify to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, that the Number of Constables so appointed for any County is inadequate to the due Execution of the Law within the same, or within any Barony thereof, it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to direct the Appointment, in the manner hereinbefore specified, of such further Number of Constables for such County or Barony as may be so certified to be necessary, and to remove such Constables from time to time.

On Certificate of Grand Jury, Number of Constables may be increased.

III. And be it further enacted, That every such Chief Constable shall have the Care of the Arms and Accoutrements, Saddles, Bridles, Clothing and Appointments, so to be delivered to him as aforesaid, and shall, at his Discretion, deliver out the same or such Part thereof as he shall think necessary, to the Constables or

Chief Constable to have Custody and Disposition of Arms.

or Sub Constables in his District respectively, either for any particular Occasions, as they shall occur from time to time, or generally to be kept and used by such Constables or Sub Constables in the Execution of their Offices respectively; and every such Chief Constable shall have full Power at all Times to require and call in the same, or such Part or Parts thereof as he shall think proper, from all or any one or more of such Constables or Sub Constables, who shall forthwith deliver the same to him accordingly.

Lord Lieutenant may order Houses, &c. to be provided for Chief Constables, &c.

IV. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in such cases where he shall see fit and proper Occasion so to do, to direct that suitable and fitting Houses, with Outhouses and Appurtenances, and Furniture, shall be provided for the Residence of any such Chief Constable or other Constable respectively, as shall be for that Purpose specified and directed by such Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being; and each and every Chief Constable who shall be appointed under this Act, while he shall hold such Office, shall have and receive such Salary, not exceeding One hundred Pounds by the Year, and rateably for any lesser Period; and every Constable and Sub Constable so appointed shall in like manner have and receive such Salary, not exceeding Thirty five Pounds by the Year, and rateably for any lesser Period, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from time to time direct and appoint.

Salaries: Chief Constable; Sub Constables.

Oath of Chief and other Constables.

V. And be it further enacted, That every such Chief Constable and other Constable so appointed shall, before he shall do any Act in his said Office, take and subscribe the Oath here following; (that is to say),

'I *A. B.* do swear, That I will well and truly serve our Sovereign Lord the King in the Office of Chief Constable [*or* Constable, *or* Sub Constable, *as the case may be*] without Favour or Affection, Malice or Ill Will; that I will see and cause His Majesty's Peace to be kept and preserved, and that I will prevent, to the best of my Power, all Offences against the same; and that while I shall continue to hold the said Office, I will, to the best of my Skill and Knowledge, discharge all the Duties thereof, in the Execution of Warrants and otherwise, faithfully according to Law. So help me GOD.'

Administered in open Sessions.

And the said Oath shall be administered to the Chief Constable by any Magistrate for the County in open Sessions; and the said Oath shall be administered to all Constables and Sub Constables so appointed, either in open Sessions or otherwise, by any Magistrate of the County, and shall in all cases be subscribed by the Person taking the same; and every such Chief Constable and other Constable, having taken and subscribed the said Oath, shall be to all Intents and Purposes a Constable in and for the County in which such Chief Constable or other Constable shall be appointed, until dismissed from his Office by competent Authority; and every such Chief Constable and other Constable shall have all such Powers, Authorities, Privileges and Advantages, as any Constable duly appointed now has, or can or may have by any Law or Laws in force in *Ireland*.

Power of such Constables.

VI. And

On Representation of Magistrates of Cities and Towns, Chief Constable and Constables may be appointed under the Regulations of this Act.

VI. And be it further enacted, That in any Case in which any Three or more Magistrates acting in and for any County of a City or County of a Town, or City and Liberties, in *Ireland*, assembled at any General or Special Sessions, shall deem it expedient to require the Appointment of a Chief Constable or Constables and other Constables within and for such County of a City or County of a Town, or City and Liberties under this Act, and shall recommend the same to the Lord Lieutenant, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to nominate and appoint One or more Chief Constable or Chief Constables, according as One or more may be recommended by such Magistrates for any such County of a City or County of a Town, or City and Liberties; and it shall be lawful for such Magistrates (subject to and under the Provisions of this Act) to appoint such Number of Constables as may be deemed necessary by such Magistrates for the Preservation of the Peace within such County of a City, or County of a Town, or City and Liberties respectively; and every such Chief Constable, and all such Constables, when appointed according to the Provisions of this Act, and having taken the Oath required by this Act, shall have all such Powers and Authorities, and shall be subject to all such Rules and Regulations, as are given, contained, specified or directed in and by this Act with respect to Constables for Counties at large; any Statute, Act, Law, Charter, Custom or Usage to the contrary in any wise notwithstanding.

Powers of such Constables.

Constables empowered to act in apprehending Offenders and levying Fines, &c. or forfeited Recognizances.

VII. And be it further enacted, That every such Chief Constable and other Constable shall have full Power and Authority to take and apprehend all Offenders against any Act or Acts in force in *Ireland*; and every such Chief Constable and other Constable shall also execute all Process to him directed, for levying the Amount of any Fine or Fines which shall be imposed under any Act or Acts in force in *Ireland*, or for levying the Amount of any Recognizances forfeited to His Majesty, His Heirs and Successors, or of any Fines imposed on any Jurors, Witnesses, Parties or Persons at any Assizes or Commission of Oyer and Terminer or Gaol Delivery, or Session of the Peace, in the County in and for which such Constables shall be appointed pursuant to this Act.

Proviso for Rights of Corporations, &c. to Fines.

VIII. Provided always, and be it enacted, That nothing herein contained shall extend to deprive any Corporation, or any Person or Persons, of any Rights which they now have under their respective Charters or Patents, to any Fines, Amerciaments or Recognizances whatsoever.

Constables, &c. to attend and obey Magistrates.

IX. And be it further enacted, That all and every such Chief Constables and other Constables so appointed as aforesaid, shall, when required, attend on the Magistrates of the County at their Sessions or elsewhere, and shall obey and execute all the Warrants, Orders and Commands of such Magistrates; and if any such Chief Constable or other Constable shall neglect or refuse to obey and execute any such Warrant, or shall be guilty of any Neglect or Violation of Duty in his Office, every such Chief Constable or other Constable shall forfeit and be liable to such Penalty, not exceeding Five Pounds, as any Two or more, Magistrates,

Penalty.

gistrates, after Examination upon Oath of One or more credible Witness or Witnesses, or upon Confession of the Party, shall think proper to impose or inflict, to be levied by Distress and Sale of the Goods and Chattels of the Party so offending; and all Constables and Sub Constables shall attend and obey the Chief Constables in their respective Counties, Baronies, Cities and Towns; and when any Warrant, Order or Command of any Magistrate shall be delivered or given to any such Constable or Sub Constable, he shall, if the Time will permit, shew or deliver the same to the Chief Constable under whose immediate Command such Constable or Sub Constable shall then be, and such Chief Constable shall nominate and appoint by Indorsement thereon, such One or more of the Constables under his Orders, and such Assistant or Assistants to him or them as such Chief Constable shall think proper, to execute such Warrant, Order or Command; and every such Constable whose Name shall be so indorsed, and every such Assistant as aforesaid, shall have all and every the same Rights, Powers and Authorities for and in the Execution of every such Warrant, Order or Command, as if the same had been originally directed to him or them expressly by Name.

Constables to obey Chief Constables.

Execution of Warrants.

Assistant Constables.

X. Provided always, and be it enacted, That when any Action shall be brought against any Constable for any Act done in obedience to the Warrant of any Magistrate, such Constable shall not be responsible for any Irregularity in the issuing of such Warrant, or for any want of Jurisdiction in the Magistrate issuing the same; and such Constable may plead the General Issue, and give such Warrant in Evidence; and upon producing such Warrant and proving that the Signature thereto is the Hand writing of the Person whose Name shall appear subscribed thereto, and that such Person is reputed to be and acts as a Magistrate of such County or District, (as the case may be), and that the Act or Acts complained of were done in obedience to such Warrant, the Jury who shall try the said Issue shall find a Verdict for such Constable, and such Constable shall recover his Costs of Suit.

In Action against Constable in executing Warrant.

General Issue.

Costs.

XI. And be it further enacted, That every such Chief Constable shall be constantly resident within the Barony or One of the Baronies for which he shall be appointed, and shall Once at the least in every Calendar Month, inspect all the Constables and Sub Constables in his District, and all such of the Arms and Accoutrements, Horses, Saddles, Bridles, Clothes and Appointments aforesaid, as may be in their Possession respectively; and shall at all Opportunities make diligent Enquiry as to their Conduct in the Business of their Office respectively; and shall, Once in every Three Calendar Months at the least, make a Report to the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or in his Absence to the Under Secretary, and shall in such Report set forth the Name and Residence of every Constable and Sub Constable in his District, and shall state as to each of them what his general Conduct in his Office has been since the last preceding Report, and whether in that time he has been guilty of any Breach or Omission of his Duty, and whether he be sufficiently qualified for such Office or not, and his Age and State of Health, and whether on the whole such Chief Constable considers him fit to be continued in such Office or not; and

Chief Constables to reside in Barony, and Monthly inspect Constables, &c. and report Quarterly to Chief Secretary of Lord Lieutenant on Oath.

and at the Foot of every such Report, there shall be an Affidavit of such Chief Constable before a Magistrate of such County, that such Report is the full and exact Truth, according to the best of his Knowledge, Judgment and Belief; and a Copy of such Report shall be furnished by such Chief Constable to the Magistrates assembled at their General Quarter Sessions of the Peace.

Lord Lieutenant may appoint Superintendants or Inspectors of Constables to make Rules for directing their Conduct, &c. to be confirmed by Justices at Quarter Sessions.

XII. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, from time to time, at his or their Will and Pleasure, to appoint from time to time, any One or more Person or Persons, not exceeding Four in the whole, to be General Superintendants and Inspectors of the Chief Constables and Constables throughout *Ireland*, or in any Part thereof, with such Salary, not exceeding to any One Superintendant or Inspector the Sum of Five hundred Pounds by the Year, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall from time to time direct and appoint; and every such Person so appointed shall from time to time inspect the Constables in each Province, County, Barony or District in *Ireland*, committed to his Superintendance and Inspection, and shall from time to time report to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, upon the Conduct and Proceedings of all Chief Constables and other Constables in every such Province, County, Barony or District; and it shall be lawful for every such Superintendant or Inspector (with the Consent and Approbation of such Lord Lieutenant, or other Chief Governor or Governors, signified by his or their Chief Secretary) to frame Rules, Orders and Regulations for the Conduct and Proceedings of such Chief Constables, and other Constables, from time to time; and a Copy of all such Rules, Orders and Regulations, shall be laid before the Justices at the Quarter Sessions of the several Counties, for the Consideration of the Magistrates of such Counties respectively; and it shall be lawful for the said Magistrates to reject, or to confirm, or to alter the same; and such Rules, Orders and Regulations, when so confirmed or altered by the said Magistrates, and approved of by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall be transmitted by such Superintendant and Inspector to the Chief Constable in every Barony, for the Guidance and Direction of such Chief Constable and other Constables within the said Barony, and a Copy thereof shall on Demand be produced by such Chief Constable to any Magistrate requiring to see the same.

Such Rules transmitted to Chief Constables in Baronies.

Lord Lieutenant may order Constables to be employed in any Barony or in any other County, not exceeding 2-3ds of existing Establishment of Constables.

XIII. And be it further enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, whenever he or they shall think proper so to do, to order and direct that any Person having been appointed under this Act to be a Constable for any County, shall go into and be a Constable in and for any Barony or Baronies or Half Barony or other Division of a Barony in such County; and also to order and direct that any such Constable, or that any Number of the Constables or Sub Constables appointed under this Act, for any County, or any Barony or Baronies or Division of a Barony, at any time or times, shall go or repair to such Place or Places in any other County or Counties, or in any County of a City

City or County of a Town, or City and Liberties, or Barony or Baronies, or Division of a Barony, in *Ireland*, as shall be mentioned in such Order; and shall remain there or remove to and remain at any other Place or Places in the same or any other County, City or Town, and for such time and times, and shall finally return to their proper County, City or Town, at such time and times respectively as shall be mentioned or directed in or by such Order, or by any other Order or Orders which may from time to time be made by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, and every such Order shall be obeyed accordingly: Provided always that not more than Two third Parts of the existing Establishment of Constables for any one County, City or Town, shall be so removed or absent from such County, City or Town, at any one time.

Proviso.

Constables to obey Magistrates of County where they shall be sent.

XIV. And be it further enacted, That if any Constable or Constables shall be so removed by or under any such Order, out of his or their proper County, City, Town or Barony, he or they shall, in every County or Place where he or they shall at any time be in obedience to such Order, be aiding and assisting to the Magistrates of such County or Place; and all and every such Constables and Constable who shall be so removed, shall obey the Orders of such Magistrates, and shall in the Execution of such Orders, but not further or otherwise, be and be deemed and taken to be Constables of such County or Place to which they shall go and be sent pursuant to this Act.

Constables dismissed to lose their Power, and deliver up Arms, &c.

Not delivering up Arms to such Persons as may be deputed by Government to receive them.

XV. And be it further enacted, That when any Chief Constable or other Constable shall be dismissed from or shall cease to hold and exercise his Office pursuant to this Act, all Powers and Authorities vested in him as a Constable, under and by virtue of this Act, shall immediately cease and determine, to all Intents and Purposes whatever; and every such Person who shall be dismissed from his Office shall be incapable of being again appointed a Constable; and if any such Chief Constable or other Constable shall not, within One Week after he shall be dismissed from or shall cease to hold such Office, deliver over all and every Arms and Accoutrements, Horse, Saddle, Bridle, Clothing or Appointments, supplied to him under this Act, to his Successor in such Office (if such there shall be, and if not, then to such Person and at such Time and Place as shall be directed by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, every such Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds *Irish* Currency, to be recovered before any Two Magistrates of the County or Place of which he may be or have been a Constable, by any Person who shall sue for the same, and to be levied by Distress and Sale of the Goods and Chattels of the Offender.

Penalty, 20*l*.

54 G. 3. c. 131. § 1.

'XVI. And Whereas in and by an Act made in the Fifty fourth 'Year of the Reign of His late Majesty King *George* the Third, 'intituled *An Act to provide for the better Execution of the Laws* '*in* Ireland, *by appointing superintending Magistrates and additional* '*Constables in Counties in certain Cases*, the Lord Lieutenant, or 'other Chief Governor or Governors of *Ireland*, is authorized and 'empowered, under the Circumstances in the said Act mentioned, 'to appoint Chief Magistrates of Police in Manner and for the Purposes

'poses in the said Act mentioned: And Whereas it may frequently 'be necessary and expedient that Magistrates should be appointed 'in Cases not provided for by the said recited Act;' Be it therefore enacted, That in any Case in which Seven or more Magistrates of any County at large, or Three or more Magistrates of any County of a City or County of a Town, or City and Liberties, duly assembled at any General or Special Sessions, after Notice given by the Clerk of the Peace, shall certify to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, that owing to the Absence or Nonresidence of a Magistrate in any District of any such County, or for any other sufficient Cause, to be stated in such Certificate, it shall appear to such Magistrates to be expedient, that a Magistrate should be appointed to be constantly resident within such District, City or Town, it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, whenever he or they shall think it requisite and necessary so to do, to appoint during his or their Pleasure One or more Magistrate or Magistrates for any County at large, or for any Part or District of any County, or for any District consisting of any Parts of any Two or more adjoining Counties, or for any One or more Barony or Baronies in any County, and also for any County of a City or County of a Town, or City and Liberties in *Ireland*, or for any District, consisting of any County, and of a County of a City or County of a Town, or City and Liberties, or any Part or Parts thereof respectively, except in all Cases the County of *Dublin* and the County of the City of *Dublin*.

On Application of Magistrates, Lord Lieutenant may appoint resident Magistrates in any County, &c. in Ireland.

Except Dublin and City.

XVII. And be it further enacted, That every Magistrate who shall be so appointed under this Act, shall, on his Appointment, forthwith take the Oaths by Law required, and in such manner as such Oaths are by Law required to be taken by Justices of the Peace in *Ireland*, and he shall thereupon, to all Intents and Purposes, be and become a Justice of the Peace in and for the County or Counties, or City or Town, in and for which he shall be appointed to be such Magistrate as aforesaid, and also for each and every County at large, or County of a City or County of a Town, or City and Liberties adjoining to such his proper County, City or Town, and shall (if there shall not be any such Magistrate in such adjoining County, City or Town) have within such adjoining County, City or Town, all the Authority necessary for the due Execution of the Provisions of this Act.

Powers of such Resident Magistrate so appointed.

XVIII. And be it further enacted, That every such Magistrate so appointed as aforesaid, shall forthwith repair to his proper County, City, Town, Barony or District, and shall not depart from the same, unless in and for the immediate and urgent Execution of the Duty of his Office, without the express Permission of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, signified to him in Writing by the Chief Secretary, or, in his Absence, by the Under Secretary.

Such Magistrate to reside constantly in the County, &c.

XIX. And be it further enacted, That every such Magistrate in any County, City, Town, Barony or District, shall once in every Calendar Month, and as much oftener as shall be necessary, or as he shall be required so to do, by any Order signified by the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, or in his Absence, by the Under

Monthly and other Returns of the State of the County to be made by such Resident Magistrate.

Under Secretary, make a Return or Report in Writing, signed by such Magistrate, to the Office of the Chief Secretary in *Dublin Castle*, for the Information of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*; and in every such monthly Return or Report, there shall be set forth a true and accurate Account of the State of such County, City, Town, Barony or District, with respect to the Peace and Order thereof, and to the State of Crime therein, and with respect to all Measures taken since the last preceding monthly Return, for His Majesty's Service and for the Public Benefit in those Respects; and in every special Return which shall be so deemed necessary, or shall be required, and shall be made in obedience to any Order as aforesaid, there shall be contained a true and accurate Account of every Matter respecting which such Return shall be required, or as shall be particularly specified in or by any such Order.

Salary, &c. of such Resident Magistrate.

XX. And be it further enacted, That every such Magistrate, while he shall hold such Office, shall have and receive such Salary, not exceeding Five hundred Pounds by the Year, as the Lord Lieutenant or other Chief Governor or Governors shall from time to time direct, and rateably for any shorter Period, and shall also have a suitable House and Furniture within the County, City, Town, Barony or District for which he shall be so appointed, if the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall judge the same to be requisite; or such Magistrate shall receive an annual Allowance not exceeding Two hundred Pounds, in order to enable him to provide such House and Furniture as aforesaid, at the Discretion of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Allowance for House, &c.

Chief Constables, &c. to obey Resident Magistrates when appointed.

XXI. And be it further enacted, That in every County, City, Town, Barony or District in or for which such Magistrate shall be so appointed, all and every Chief Constable and other Constables shall, when required, attend on such Magistrate, and shall obey and execute all the Warrants, Orders and Commands of such Magistrate; and in the execution of the Warrants of such Magistrate, or of any other Magistrate, every such Constable shall be a Constable in and for each and every County, City or Town, adjoining to the County, City or Town in or for which such Constable shall have been appointed or shall act.

Resident Magistrate to report Intelligence of Offences to Chief Secretary's Office.

XXII. And be it further enacted, That every such Magistrate so appointed shall, as speedily as the Nature of each Case shall permit, transmit to the Office of the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in *Dublin Castle*, a true Copy of every Notice, Examination, Information or Intelligence which he shall receive, directly or indirectly, concerning any Offence of a Treasonable or Seditious Nature, or against the Public Peace, committed or intended to be committed in any Part of *Ireland* whatever, together with such Observations thereon as he shall think proper or fit to be made; and shall also

Resident Magistrates to assist and correspond with other Magistrates.

be aiding and assisting to the other Magistrates of the County, City or Town, to the Chief Magistrate of Police in the District of *Dublin* Metropolis, and to any Magistrates of Police who may be appointed in any of the several Counties, or Counties of Cities or Counties of Towns, or in any City and Liberties, in *Ireland*, in the apprehending and bringing to Justice any Offender or Offenders who

who may be in any County, County of a City or County of a Town, or City and Liberties, in *Ireland*, and who may be suspected or accused of having committed any Offence in any County, County of a City or County of a Town, or City and Liberties, throughout *Ireland*; and all such Magistrates shall correspond with each other, and with the Magistrates of other Counties respectively, concerning all such Offenders and Offences, when and as it shall be necessary so to do.

Magistrates, &c. not to hold any other place.

XXIII. And be it further enacted, That no Person shall be appointed under this Act to be a Magistrate or Chief Constable, or Constable or Sub Constable, who shall hold any other Place or Office of Emolument: and that no Person who shall be so appointed under this Act, shall be capable of holding any other Place or Office of Emolument, while he shall be such Magistrate, Chief Constable, Constable or Sub Constable, under this Act.

Qualification of Constables.

XXIV. And be it further enacted, That no Person shall be appointed to be a Constable under this Act, unless he shall be of a sound Constitution, able bodied and under the Age of Forty Years, able to read and write, of a good character for Honesty, Fidelity, and Activity; and that no Person shall be appointed to be such Constable who shall be a Gamekeeper, Wood Ranger, Tithe Proctor, Viewer of Tithes, Bailiff, Sheriff's Bailiff or Parish Clerk, or who shall be a hired Servant in the Employment of any Person whomsoever, or who shall keep any House for the Sale of Beer, Wine or Spirituous Liquors by Retail; and that if any Person who shall be appointed to be a Constable under this Act, shall at any time after such his Appointment be or become a Gamekeeper, Wood Ranger, Tithe Proctor, Viewer of Tithes, Bailiff, Sheriff's Bailiff or Parish Clerk or a hired Servant, or shall act in any of the said Capacities, or shall sell any Beer, Wine or Spirituous Liquors by Retail, such Person shall be and become disabled from and incapable of acting as a Constable, and shall cease to be such Constable, and shall lose and forfeit his Appointment as Constable, and all Authority and Privilege of a Constable, and all Salary and Gratuity payable to him as a Constable under this Act.

Gamekeepers, &c. incapacitated.

Constables appointed Gamekeepers, &c. shall cease to act as Constables.

Advances may be directed by the Lord Lieutenant for Expences to be incurred under this Act.

XXV. And be it further enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, to order that any such Sum or Sums as he or they shall think proper, shall from time to time be advanced and paid out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, arising in *Ireland*, for the Payment of the several Salaries, and the Purchase of Arms, Accoutrements, Horses, Bridles, Saddles, Appointments, Houses, Outhouses, Furniture and Accommodations aforesaid; and also for all Rents and Taxes payable for and in respect of such Houses and Outhouses, and for repairing all such Houses and Outhouses from time to time, and for the Forage of such Horses, and for the Expences of the Magistrates, or of any Constables or Sub Constables when they shall respectively be absent on Duty from their Residences under the Authority of this Act, and for all other necessary and reasonable Costs, Charges and Expences in the Execution of this Act; such Payments to be made respectively to such Persons, at such Times, in such Manner and under such Rules and Regulations, as shall from time to time be ordered and

To be paid as herein mentioned.

directed by such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, and as shall be notified accordingly in the usual manner by the Chief Secretary, or in his Absence by the Under Secretary.

Fines, &c. applied in Repayment of Sums advanced by Orders of Lord Lieutenant.

XXVI. And be it further enacted, That the Amount of all Sums levied under this Act, or any other Act or Acts, for Fines or for Recognizances forfeited, or for Fines imposed on any Jurors, Witnesses, Parties or Persons at any Assizes or Commission of Oyer and Terminer, or Gaol Delivery, or Sessions of the Peace in any County, City or Town, shall, after deducting all lawful Expences attending the levying the same, be applied in manner hereinafter mentioned, to or towards the Repayment of the Sums so advanced out of the said Consolidated Fund, and shall be paid into the Receipt of His Majesty's Exchequer in *Ireland*, according to the Course of the said Exchequer, and there carried to account accordingly.

Half of certain Expences under this Act to be paid by Counties, the Sums levied for Fines, &c. being allowed in Part.

XXVII. And be it further enacted, That One Moiety or Half Part of the Sums which shall be so advanced out of the Produce of the said Consolidated Fund arising in *Ireland*, for the Purpose of paying the Salary and Expences of any Magistrate, Chief Constable, Constable or Sub Constable, under this Act, or for the Purpose of providing or repairing Arms, Clothing or Accoutrements for any such Constable, shall be repaid by such County, City or Town, or Barony or Half Barony, in or for which such Magistrate or Constables shall be respectively appointed; and that the Amount of all such Sums which shall be levied for any Fines and forfeited Recognizances as aforesaid, within such County, City or Town, or Barony or Half Barony, shall be allowed and considered as and in part of such Payment.

How Moiety of such Expences in each County ascertained and presented by Grand Jury, &c.

XXVIII. And be it further enacted, That on the Production to the Grand Jury of any County, City or Town, of the Certificate of the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, or of the Under Secretary, of the Amount of Money so advanced and paid out of the Consolidated Fund within such County, City or Town as aforesaid, or within any Barony or Half Barony in any County, and also of a like Certificate of the Amount of the Net Produce of all Sums so levied and received for or on account of the several Fines, and of Recognizances forfeited, as hereinbefore mentioned, and deducting the same from the Moiety of the Amount of such Advances and striking a Balance thereon, shewing how much of such Moiety remains due and payable by such County, City or Town, or Barony or Half Barony, it shall be lawful for such Grand Jury, and they are hereby required to make a Presentment for the Amount of such Balance, to be raised from off the County at large, County of a City or County of a Town, or City and Liberties, or from any Barony or Half Barony in any County respectively, in the same manner as any Presentment for Constables may by Law be now raised therefrom; and it shall not be lawful for the Court at any Assizes to fiat any Presentment for raising any other Money until such Presentment for such Expences be first made and allowed; and whenever the Amount of the said Balance shall be levied, the same shall be paid over to the Collector of Excise of the District, to be accounted for by him as any other Public Money in his

In what case county discharged.

his Hands; and thereupon, as to all Advances mentioned in such Certificate as aforesaid, such County shall be deemed to be discharged.

When Constables are removed into any County, &c. from another, half the Charge paid by County, &c. into which they are removed.

XXIX. Provided always, and be it enacted, That whenever it shall happen that the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall at any time have directed the Removal of any Constables out of their proper County, City or Town, into any adjoining or other County, City or Town, pursuant to the Provisions of this Act, the rateable Amount of the Expence of the Salaries of such Constables during the Period of their Absence from their own County, City or Town, shall be added in the Certificate of the Chief Secretary or Under Secretary to the Charge of the Constables of the County, City or Town into which such Constables shall be so removed; and the Grand Jury of such last mentioned County, City or Town shall be and they are hereby required to defray by Presentment One Moiety of the Salaries and Expences of the Constables so removed, in the like Manner and under the like Regulations as are hereinbefore provided for the Payment of the Salaries and Expences of the Constables belonging to any such County, City or Town.

Common Reputation Evidence of Appointment of Officers.

XXX. And be it further enacted, That if at any Time, or in any Court, or on any Occasion, any Question shall arise as to the Right of any Magistrate, or of any Chief Constable, Constable or Sub Constable, or Superintendant or Inspector of Constables aforesaid, to hold or execute any such Office respectively, common Reputation shall to all Intents and Purposes be deemed and held to be sufficient Evidence of such Right; and it shall not be necessary to produce or to prove any Appointment, or any Oath, Affidavit or other Document or Matter whatsoever in respect of such Right.

Proviso for High Constables, Parish Constables, and Leet Constables.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or in any wise be deemed or construed to extend to repeal, affect or take away the Election or Appointment of High Constables by Grand Juries, for the Purpose of collecting the Sums presented by such Grand Juries, or of Parish Constables or Constables of any Leet in *Ireland*, or to take away or diminish or infringe the Powers or Authorities of any such Constables in any respect whatever; any thing in this Act contained to the contrary in any wise notwithstanding; but no such Constable shall as such be entitled to any Payment or Salary under this Act.

On Proclamation of Appointment of Chief Constable, &c. in any County, the following Acts repealed as to such County; viz.

XXXII. And be it further enacted, That whenever under the Provisions of this Act, the Magistrates in any County, City or Town in *Ireland*, shall have named the Constables or Sub Constables for such County, City or Town, and the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall, under the Provisions of this Act, have named the Chief Constable or Chief Constables in any such County, City or Town, a Proclamation declaring the same shall thereupon be made by the said Lord Lieutenant, or other Chief Governor or Governors, which shall be notified in the *Dublin Gazette*, and thereupon the several Acts and Parts of Acts hereinafter specified and set forth, shall be and stand repealed so far as they affect such County, City or Town; that is to say, an Act passed in the Parliament of *Ireland*, in the

32 G. 3. (I.) 54 G. 3. c. 131. § 17. 59 G. 3. c. 98. § 6, 7, 8.

Thirty second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the Office of Constable, and for better enforcing the Process of the Criminal Law in certain Parts of this Kingdom*; and also, so much of the said hereinbefore recited Act passed in the Parliament of the United Kingdom, in the Fifty fourth Year of the Reign of His said late Majesty, intituled *An Act to provide for the better Execution of the Laws in* Ireland, *by appointing Superintending Magistrates and additional Constables in Counties in certain Cases*, as relates to the Appointment of any Constables by any Grand Jury; and also, so much of an Act passed in the Fifty ninth Year of the Reign of His said late Majesty, intituled *An Act to limit the Continuance of the Operation of the several Acts for imposing Fines upon Townlands and Places in* Ireland, *in respect of Offences relating to the unlawful Distillation of Spirits, and to amend the said Acts, and to provide for the more effectual Prevention or Suppression of such Offences*, as relates to the Appointment and Support of extraordinary Establishments of Police, consisting of Chief Magistrates and Chief Constables and Sub Constables, in Manner and for the Purposes in the said Act mentioned; save and except so far as the said Acts, or any of them, repeal any former Act or Acts of Parliament, or any Clause, Matter or Thing therein contained: Provided always, that nothing herein contained shall be deemed or taken to invalidate, or render illegal or void, any Act, Matter or Thing done by any Magistrate, Chief Constable, Constable or Sub Constable, or any of them, under or by virtue of the said Acts or any of them, before the issuing of such Proclamation, and whilst the said Acts so hereby repealed were respectively in force.

Except as they repeal former Acts, &c.

When Constables are appointed under this Act, Lord Lieutenant may vacate appointments under former Acts.

XXXIII. And be it further enacted, That whenever Constables or Sub Constables shall be appointed under the Provisions of this Act in any County, Barony, City or Town, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by any Order or Proclamation, to direct that the Offices or Appointments of any Constables who shall have been appointed under any Act or Acts in force at the Time of the passing of this Act, shall be and become vacant, and that the Powers of all such Constables shall cease and determine from such Time as shall be mentioned in any such Orders or Proclamations; and the Offices of such Constables shall be and become vacant, and shall cease and determine, and the Persons having held the said Offices shall cease to be Constables accordingly; any thing in any Act or Acts in force at the Time of the passing of this Act to the contrary in any wise notwithstanding.

Lord Lieutenant empowered to superannuate Constables, and Grand Jury shall present yearly Allowances accordingly.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in his or their Discretion, upon the Petition of any Chief Constable or Constable or Sub Constable, who shall have been appointed under this Act, and in the case of any Chief Constable, upon the Recommendation of the Magistrates assembled at Quarter Sessions, and of the Superintendant or Inspector of Constables; and in case of any Constable or Sub Constable upon the Recommendation of the Magistrates as aforesaid, and of the Chief Constable or Superintendant or Inspector of Constables, and upon such Certificates as such Lord Lieutenant or other Chief Governor

or

or Governors shall require and direct, of the Continuance of the Service of any such Chief Constable or other Constable, and of his having executed the Duty of his Office with Diligence and Fidelity, to order and direct that any such Chief Constable or other Constable shall and may be superannuated, and shall and may receive such yearly Allowance, Remuneration or Superannuation, and upon such Conditions, and not exceeding such Proportions as to Age, Length of Service, and other Circumstances relating to such Chief Constable or other Constable, as hereinafter mentioned and provided for; and thereupon such Chief Constable or other Constable shall cease to hold such Office, and the yearly Sum to which he shall become so entitled shall be presented by the Grand Jury in Two equal Sums, One at each Assize, during his Life, on Proof to the Grand Jury from time to time that the Person so entitled to such Superannuation is living.

Presentment of Allowance.

XXXV. Provided always, and be it enacted, That the Conditions and Proportions of such Allowance, Remuneration or Superannuation shall be as follows; that is to say, where any Constable shall be under Sixty Years of Age, it shall not be lawful to grant any such Allowance, Compensation, Remuneration or Superannuation, unless as hereinafter provided, or upon Certificate from the Magistrates of the County assembled at Quarter Sessions, that such Constable is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, in which case, if he shall have served with Diligence and Fidelity for Ten Years, it shall and may be lawful to grant to him by Way of Superannuation, an annual Sum not exceeding One third of the Salary of his Office: if above Ten Years and less than Twenty, any Sum not exceeding One half of such Salary; if above Twenty Years, any such Sum not exceeding Two thirds of such Salary; and if such Constable shall be above Sixty Years of Age, and he shall have served Fifteen Years or upwards, it shall and may be lawful, although there shall be no Certificate of Incapacity from Infirmity, or Injury of Body or Mind, to grant him by way of Superannuation any annual Sum not exceeding Two thirds of the Salary of his Office; if Sixty five Years of Age or upwards, and he shall have served Forty Years or upwards, any Sum not exceeding Three fourths of such Salary; if Sixty five Years of Age or upwards, and he shall have served Fifty Years or upwards, any such Sum not exceeding the whole of such Salary: Provided always, that if any Chief Constable or other Constable, shall be disabled by any Wound or Injury received in the actual Execution of the Duty of his Office, it shall and may be lawful to grant to him such yearly Allowance or Remuneration as may in the Opinion of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, be proportioned to the Nature of the Injury received, without reference to the Length of his Service; provided that such Allowance or Remuneration shall in no Case exceed the whole of such Salary.

Condition and Proportions of Allowances to Constables superannuated.

Allowances in Cases of Wounds, &c.

XXXVI. And be it further enacted, That an Account of the Names of all Magistrates appointed under this Act, and of the Counties, Cities, Towns or Districts for which they shall be appointed, shall, under the Order and Direction of the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, be laid before both Houses of Parliament

Appointments of Magistrates laid before Parliament.

liament within Six Weeks after the Commencement of every Session of Parliament.

CAP. CIV.

An Act to continue, until the Thirty first Day of *December* One thousand eight hundred and twenty four, the Bounty to Vessels employed in the *Greenland Seas* and *Davis's Streights*; and to authorize His Majesty to alter the Times for the sailing of the said Vessels, and any of the Limitations contained in the Acts for allowing the said Bounty.

[5th *August* 1822.]

'WHEREAS it is expedient to continue the Bounty now payable for Ships employed in the Fishery now carried on in the *Greenland Seas* and *Davis's Streights*, for a further Time than is already provided;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the Twenty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the further Support and Encouragement of the Fisheries carried on in the* Greenland Seas *and* Davis's Streights, which was to be in force for Five Years, from the Twenty fifth Day of *December* One thousand seven hundred and eighty six; and also so much of an Act made in the Twenty ninth Year of the Reign of His said late Majesty, intituled *An Act for further encouraging and regulating the* Newfoundland, Greenland *and* Southern *Whale Fisheries*, as relates to the Fisheries carried on in the *Greenland Seas* and *Davis's Streights*, which were by several subsequent Acts further continued with Amendments until the Thirty first Day of *December* One thousand eight hundred and twenty three, shall be continued until the Thirty first Day of *December* One thousand eight hundred and twenty four.

26 G.3. c.41.

and so much of 29 G.3. c.53. as relates to the Greenland Seas, &c. continued.

II. And be it further enacted, That an Act made in the Forty sixth Year of the Reign of His said late Majesty, intituled *An Act for allowing, until the Signature of preliminary Articles of Peace, Vessels employed in the* Greenland *Whale Fishery, to complete their full Number of Men at certain Ports*, which by an Act made in the Fifty fifth Year of the Reign of His said late Majesty, and an Act made in the First Year of the Reign of His present Majesty, was revived and continued until the Twenty fifth Day of *June* One thousand eight hundred and twenty, and by a subsequent Act continued until the Thirty first Day of *December* One thousand eight hundred and twenty three, shall be further continued until the Thirty first Day of *December* One thousand eight hundred and twenty four.

46 G.3. c.9. continued

His Majesty, by Order in Council, may alter the Time of Vessels sailing, and vary the Restrictions as to fitting out, &c.

'III. And Whereas by the said Acts hereby continued, a certain 'Time in the Year is fixed, after which Ships or Vessels about to 'engage in the said Fisheries shall not sail; and other Limitations 'and Restrictions are established in regard to the fitting out of the 'said Ships or Vessels, and the Seamen and Apprentices to be 'employed therein, in order to entitle Persons to receive the Bounties thereby granted: And Whereas it may be expedient to alter 'the

'the Time of sailing of the said Ships or Vessels, and to suspend 'or vary the said Limitations and Restrictions, or some of them;' Be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful for His Majesty, by any Order or Orders in Council, to be issued for that Purpose, to alter the Time for the sailing of the said Ships or Vessels, or to suspend or vary any or either of the Limitations and Restrictions contained in the said Acts, in such manner as may appear expedient, and as may be expressed and set forth in such Order or Orders in Council: Provided always, That a Copy of the said Order or Orders in Council so authorized to be issued as aforesaid, shall be laid before Parliament within One Month next after the Date thereof, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the Session of Parliament next ensuing.

Copies of Orders in Council to be laid before Parliament.

CAP. CV.

An Act for granting Rates of Postage for the Conveyance of Letters and Packets between the Port of *Liverpool* in the County of *Lancaster* and the *Isle of Man*.

[5th *August* 1822.]

'WHEREAS it may be found expedient to establish a Packet 'Boat for the Conveyance of Letters and Packets between 'the Port of *Liverpool* in the County of *Lancaster* and the Port of '*Douglas* in the *Isle of Man*: And Whereas it is expedient that 'the Postmaster General be authorized to demand, have, receive 'and take certain Rates of Postage for such Conveyance of the 'said Letters and Packets:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful to and for His Majesty's Postmaster General and his Deputy and Deputies by him thereunto authorized, to and for the Use of His Majesty, His Heirs and Successors, to demand, have, receive and take for the Port and Conveyance of all and every the Letters and Packets that shall be carried and conveyed by Packet Boats to or from the Port of *Liverpool* and the Port of *Douglas* in the *Isle of Man*, over and above all other Rates payable for such Letters and Packets, according to the Rates and Sums hereafter mentioned; that is to say, for every Single Letter Six Pence, for every Double Letter One Shilling, for every Treble Letter One Shilling and Six Pence, and for every Ounce in Weight Two Shiliings, and so in proportion for every Letter and Packet exceeding the Weight of an Ounce.

Additional Rates of Postage for Conveyance of Letters and Packets from Liverpool to Isle of Man.

Rates.

II. And be it further enacted, That it shall and may be lawful to and for the said Postmaster General to cause the Rates of Postage hereby chargeable and payable to be paid either prior to such Letters and Packets being forwarded, or on Delivery, as to him in his Discretion may seem meet.

Postage how payable.

III. And be it further enacted, That the Monies to arise by the Rates and Duties aforesaid, except the Monies which shall be necessary to defray such Expences as shall be incurred in the Collection and Management of the same, shall be paid into the Receipt

Duties carried to Consolidated Fund.

of

of the Exchequer, and carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and applied to such and the same Uses as the present Rates and Duties of Postage are now or shall be directed to be paid and applied.

CAP. CVI.

An Act to continue for One Year so much of an Act of the last Session of Parliament, as increases the Duties payable on Sugar imported from the *East Indies*. [5th *August* 1822.]

1 & 2 G. 4. c. 106.

'WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to continue, until the First Day of July One thousand eight hundred and twenty four, several Acts of His late Majesty, respecting the Duties of Customs payable on Merchandize imported into* Great Britain *and* Ireland, *from any Place within the Limits of the* East India *Company's Charter; and to increase the Duties payable on the Importation of Sugar from the* East Indies, *until the Twenty fifth Day of* March *One thousand eight hundred and twenty three in* Great Britain, *and until the First Day of* July *One thousand eight hundred and twenty four in* Ireland: And Whereas it is expedient that so much of the said Act as relates to the Importation of Sugar from the *East Indies*, and the Duties payable thereon, should be continued;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the several Provisions of the said Act as relates to the Importation of Sugar from the *East Indies*, and the Duties payable thereon, shall be and are hereby respectively continued from the Expirations thereof for One Year.

So much of recited Act as relates to Sugar, continued.

CAP. CVII.

An Act to allow, until the First Day of *August* One thousand eight hundred and twenty three, a Drawback of the Whole of the Duties of Customs on Brimstone used and consumed in the making and preparing Oil of Vitriol or Sulphuric Acid. [5th *August* 1822.]

50 G. 3. c. 40.

'WHEREAS by an Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for discontinuing the Bounty on Exportation of Oil of Vitriol, and allowing a Drawback of a Proportion of the Duties paid on the Importation of Foreign Brimstone used in making Oil of Vitriol*, it is enacted, that Nine tenth Parts of the Duties of Customs paid on the Importation into *Great Britain* of Brimstone shall be allowed in respect of such Brimstone used and consumed in making and preparing Oil of Vitriol, and the Amount of such Drawback shall be paid and allowed to the Manufacturer of such Oil in *Great Britain*, under certain Regulations therein mentioned: And Whereas it is expedient to make Alteration in respect of such Drawback:' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in lieu and instead of the said Nine tenth Parts of the Duties of Customs allowed in respect of Brimstone used and consumed in making and preparing Oil of Vitriol, the Whole of the Duties paid on the Importation into *Great Britain* of Brimstone shall be allowed in respect of such Brimstone used and consumed in making and preparing Oil of Vitriol, or Sulphuric Acid, and the Amount of such Drawback shall be paid and allowed to the Manufacturer of such Sulphuric Acid in *Great Britain*, under the like Regulations, Penalties and Forfeitures, as are provided by the aforesaid recited Act in respect of Oil of Vitriol: Provided always, that it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the time being, or any Three or more of them, and they are hereby authorized and empowered, by any Writing under their Hands, to make and issue such Orders, Directions and Regulations, as they from time to time shall deem necessary or expedient, for taking, keeping or causing to be kept or taken, an Account or Accounts of any such Brimstone so to be used in the Manufacture of Oil of Vitriol as aforesaid, or for more effectually preventing the Allowance of any Drawback whatever for or upon a greater or larger Quantity of Brimstone than shall be *bonâ fide* used and consumed in the Manufacture aforesaid; any thing in this Act, or in any other Act or Acts of Parliament to the contrary thereof in any wise notwithstanding.

The Whole Duty on Importation allowed in respect of Brimstone used in preparing Oil of Vitriol, or Sulphuric Acid.

Treasury to make Regulations for Account of Brimstone so used.

II. And be it further enacted, That this Act shall continue in force until the First Day of *August* One thousand eight hundred and twenty three.

Continuance of Act.

CAP. CVIII.

An Act for vesting all Estates and Property occupied for the Barrack Service, in any Part of the United Kingdom, in the principal Officers of His Majesty's Ordnance, and for granting certain Powers to the said principal Officers in relation thereto. [5th *August* 1822.]

'WHEREAS an Act passed in the Forty fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for vesting in the Barrack Master General for the time being, Estates held or occupied for the Barrack Service, and authorizing him to sell the same, with the Consent of the Lords Commissioners of His Majesty's Treasury:* And Whereas another Act passed in the Forty eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for vesting all Estates and Property occupied for the Barrack Service in the Commissioners for the Affairs of Barracks, and for granting certain Powers to the said Commissioners:* And Whereas another Act passed in the said Forty eighth Year aforesaid, intituled *An Act to enable the Commissioners for auditing Public Accounts, and the Commissioners for the Affairs of Barracks respectively, to send and receive Letters and Packets on the Business of their Offices, free of Postage:* And Whereas another Act passed in the

45 G.3. c.69.

48 G.3. c.122.

48 G.3. c.90.

57 G.3. c.9. 1&2 G.4. c.69.

'the Fifty seventh Year of the Reign of His late Majesty King 'George the Third, intituled *An Act for vesting all Estates and* 'Property occupied for the Barrack Service in the Comptroller of 'the Barrack Department, and for granting certain Powers to the 'said Comptroller: And Whereas another Act passed in the last 'Session of Parliament, intituled *An Act for vesting all Estates and* 'Property occupied for the Ordnance Service in the principal Of- 'ficers of the Ordnance, and for granting certain Powers to the said 'principal Officers: And Whereas the Affairs of the Barrack De- 'partment are now transferred to the Department of His Majesty's 'Ordnance, and it is therefore necessary that all Messuages, Lands, 'Tenements and Hereditaments which were by the said Act of 'the Fifty seventh Year aforesaid, or have since become vested 'in the said Comptroller of the Barrack Department, and all other 'Messuages, Lands, Tenements and Hereditaments, in any man- 'ner used and occupied for the Service of the Barrack Depart- 'ment, should be vested in the principal Officers of His Majesty's 'Ordnance for the time being:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately from and after the passing of this Act, all Messuages, Lands, Tenements and Hereditaments, in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Great Britain*, which were by the said recited Act of the said Fifty seventh Year of the Reign of His late Majesty King *George* the Third vested in the Comptroller of the Barrack Department for the time being, and also all Messuages, Lands, Tenements and Hereditaments which have since been purchased or taken, or are in any manner now held by any Person or Persons whatever, in Trust for or for the Use of His Majesty, His Heirs and Successors, for the Service of the Barrack Department, either in Fee, or for any Life or Lives, or any Term or Terms of Years, or any other or less Interest, and all Erections and Buildings which now are or which shall or may be hereafter erected and built thereon, together with the Rights, Members, Easements and Appurtenances to the same respectively belonging, (other than and except such Messuages, Lands, Tenements and Hereditaments as may be of Copyhold Tenure), shall be and become and remain and continue vested in the principal Officers of His Majesty's Ordnance for the time being, and their Successors in the said Office, according to the respective Nature and Quality of the said Messuages, Lands, Tenements and Hereditaments, and the several Estates and Interests of and in the same Hereditaments respectively, in Trust for His Majesty, His Heirs and Successors, for the Service of the said Ordnance Department, or for such other public Service or Services as His said Maesty, His Heirs or Successors, shall from time to time by any Order in Council be pleased to direct.

All Messuages, Lands, &c. which by stat. 57 G.3. c.9. were vested in Comptroller of Barrack Department, and also such as have since been purchased or held in Trust for Barrack Department (except Copyholds) vested in principal Officers of Ordnance in Trust for public Services as the King in Council shall direct.

1 G.1. (I.) 21 G.2. (I.)

II. 'And Whereas an Act was passed in the Parliament of *Ireland*, 'in the Fourth Year of the Reign of King *George* the First, among 'other Things for vesting in His Majesty, His Heirs and Succes- 'sors, the several Lands, Tenements and Hereditaments whereon 'the Barracks in *Ireland* were built or building, or contracted for, 'and whereon Light Houses were or should be built: And Where- 'as

'as an Act was passed in the Parliament of *Ireland*, in the Twenty 'first Year of the Reign of King *George* the Second, for amend- 'ing and rendering more effectual the said recited Act of the Par- 'liament of *Ireland*, made in the Fourth Year of the Reign of 'King *George* the First: And Whereas an Act was passed in the 'Parliament of *Ireland*, in the Seventh Year of the Reign of His 7 G. 3. (I.) 'late Majesty King *George* the Third, to continue and amend and 'make more effectual the said Two hereinbefore recited Acts of 'the Parliament of *Ireland*, made in the Fourth Year of the Reign 'of King *George* the First, and in the Twenty first Year of the 'Reign of King *George* the Second, and also to enable the Com- 'missioners of the Barrack Board to sell the Estates or Lands 'whereon Barracks had been built, and the Materials of such Bar- 'racks: And Whereas an Act was passed in the Parliament of *Ire-* 'land in the Thirty sixth Year of the Reign of His said late Ma- 36 G. 3. (I.) 'jesty, for rendering more effectual the several Laws for the Go- 'vernment and Regulation of the Barracks and other public Works 'in *Ireland*: And Whereas an Act was passed in the Parliament 'of *Ireland*, in the Thirty ninth Year of the Reign of His said late 39 G. 3. (I.) 'Majesty, to explain and amend the several Acts for the empower- 'ing the Commissioners of Barracks to provide Barracks and other 'Accommodations for His Majesty's Troops in *Ireland*: And 'Whereas an Act was passed in the Parliament of *Ireland*, in the 'Fortieth Year of the Reign of His said late Majesty, intituled *An* 40 G. 3. (I.) '*Act to enable the Barrack Master General to carry into Execution* '*an Agreement lately made with the Trustees of the* Ulster White 'Linen Hall *near* Newry, *for the Sale of their Interest therein, and* '*for vesting the same in His Majesty, His Heirs and Successors:*' Be it enacted, That immediately from and after the passing of this Act, all Manors, Messuages, Lands, Tenements and Hereditaments in *Ireland*, which have been at any Time heretofore vested in or purchased or taken in the Name of His Majesty, or His Royal Predecessors, or which have been at any Time heretofore purchased or taken by or in the Name of any Person or Persons in Trust for His Majesty or His Royal Predecessors, and His and Their Heirs and Successors, for the Use or Service of the Barrack Department in *Ireland*, under or by virtue of the said hereinbefore recited Acts, or any of them, and also all Messuages, Lands, Tenements or Hereditaments whatever, which are in any manner now vested in or held by or in Trust for or for the Use of His Majesty, His Heirs and Successors, for the Service of the Barrack Department in *Ireland*, either in Fee or for any Life or Lives, or for any Term or Terms of Years, or for any other or less Interest; and all Erections and Buildings which now are or which shall or may be hereafter erected and built thereon, together with the Rights, Members, Easements and Appurtenances to the same respectively belonging, (other than and except such Messuages, Lands, Tenements and Hereditaments as may be of Copyhold Tenure), shall be and become and shall remain and continue vested in the principal Officers of His Majesty's Ordnance in *Great Britain* for the time being, and their Successors, according to the respective Nature and Quality of the said Manors, Messuages, Lands, Tenements and Hereditaments, and the several Estates and Interests of and in the same Hereditaments respectively, in Trust for His Majesty, His

Messuages, Lands, &c. held for the Service of the Barrack Department in Ireland (except Copyholds) also vested in principal Officers of Ordnance, in Trust for public Services, as the King or Lord Lieutenant in Council shall direct.

His Heirs and Successors, for the Service of the said Ordnance Department, or for such other public Service or Services as His said Majesty, His Heirs or Successors shall from time to time, by any Order in Council, be pleased to direct, or as may be from time to time directed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council there, by any Order or Orders to be made for that Purpose.

No other or greater Estate in Premises than was before granted.

III. Provided always, and be it enacted, That nothing herein contained shall be construed to vest any greater or other Estate in any of the said Premises, or to vest the same upon other Terms or Conditions than those upon which the same were granted, conveyed, demised or given at the Time of the vesting thereof in the Person or Persons holding the same, in Trust for His Majesty, or to discharge any Conditions or Restrictions, in relation to any such Premises contained in any such Grant, Conveyance or Demise.

Act to extend to Premises sold by the Comptroller of the Barrack Department.

IV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Messuages, Lands, Tenements or Hereditaments which have been sold, or are at the Time of the passing of this Act under Contract to be sold or put to Sale, whether by public Auction or otherwise, by the Comptroller of the Barrack Department in *Great Britain*, or any Commissioner of Barracks in *Ireland*, or in any manner to affect any such Contract or Sale, but the same shall respectively remain, and all Contracts and Sales relating thereto be completed by such Comptroller or Commissioners of Barracks, as if this Act had not passed, any thing in this Act contained to the contrary notwithstanding.

Powers of 1&2 G.4. c.69. extended to this Act.

V. And be it further enacted, That all the Powers, Authorities, Provisions, Regulations, Clauses, Matters and Things in the said recited Act of the last Session of Parliament contained, in relation to Messuages, Lands, Tenements and Hereditaments vested by the said Act in the principal Officers of His Majesty's Ordnance, shall extend and be construed to extend to all Messuages, Lands, Tenements and Hereditaments, as well in *Ireland* as in *Great Britain*, vested in the said principal Officers by this Act, as fully and effectually to all Intents and Purposes, as if all such Powers, Authorities, Provisions, Regulations, Clauses, Matters and Things were respectively, severally, and separately repeated and re-enacted in and made Part of this Act.

CAP. CIX.

An Act to repeal the Duties and Drawbacks on Barilla imported into the United Kingdom; and to grant other Duties and Drawbacks in lieu thereof. [5th *August* 1822.]

'WHEREAS it is expedient that the Duties of Customs payable upon the Importation into the United Kingdom of *Great Britain* and *Ireland* of Barilla, and the Drawbacks allowed thereon, should cease and determine; and that other Duties of Customs should be imposed and other Drawbacks allowed in lieu thereof:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

and by the Authority of the same, That from and after the Fifth Day of *January* One thousand eight hundred and twenty three, the several Duties of Customs payable under any Act or Acts in force immediately before the said Fifth Day of *January* One thousand eight hundred and twenty three, upon the Importation into the United Kingdom of *Great Britain* and *Ireland* of Barilla, and the several Drawbacks allowed on the Exportation of such Barilla, shall cease and determine; save and except in all Cases relating to the recovering and allowing any Arrears thereof respectively, which may at the Time of passing this Act remain unpaid or not allowed; or relating to any Fines, Penalties or Forfeitures in respect thereof, which shall have been incurred at any Time before the said Fifth Day of *January* One thousand eight hundred and twenty three.

From Jan. 5, 1823, the Duties payable on the Importation of Barilla and the Drawbacks on Exportation to cease, except Arrears, &c.

II. And be it further enacted, That from and after the Fifth Day of *January* One thousand eight hundred and twenty three, in lieu and instead of the several Duties of Customs hereby made to cease and determine, there shall be raised, levied, collected and paid unto His Majesty, His Heirs and Successors, upon Barilla imported into the United Kingdom of *Great Britain* and *Ireland*, the several Duties of Customs as the same are respectively inserted or described and set forth in Figures in the Table to this Act annexed marked (A.); and that on the Exportation of such Barilla there shall also be paid and allowed the several Drawbacks of the several Duties of Customs as the same are also respectively inserted or described and set forth in Figures in the said Table marked (A.)

Instead of the Duties and Drawbacks repealed, those specified in Table (A.) to be paid.

III. And be it further enacted, That the Duties and Drawbacks by this Act imposed and allowed, as shall arise in *England*, shall be under the Management of the Commissioners of the Customs in *England* for the time being; and such thereof as shall arise in *Scotland*, shall be under the Management of the Commissioners of the Customs in *Scotland* for the time being; and such thereof as shall arise in *Ireland*, shall be under the Management of the Commissioners of Customs and Port Duties in *Ireland* for the time being; and shall be raised, levied, collected, paid, recovered and allowed in such and the like manner, and by the same Means, Ways and Methods, as former Duties of Customs and Drawbacks of Duties of Customs upon Goods, Wares or Merchandize in general.

Management in Commissioners of Customs in England, Scotland and Ireland.

TABLE

TABLE to which this Act refers.

TABLE (A.)

	Duties.			Drawbacks.		
BARILLA not containing a greater Proportion of Mineral Alkali than Twenty per Centum,	£	s.	d.	£	s.	d.
in a British built Ship, the Cwt. -	—	5	3	—	2	7
in a Ship not British built, the Cwt.	—	6	10	—	2	7
——— If containing more than Twenty per Centum and not exceeding Twenty five per Centum of such Alkali,						
in a British built Ship, the Cwt. -	—	7	—	—	3	6
in a Ship not British built, the Cwt.	—	7	8	—	3	6
——— If containing more than Twenty five per Centum and not exceeding Thirty per Centum of such Alkali,						
in a British built Ship, the Cwt. -	—	9	—	—	4	6
in a Ship not British built, the Cwt.	—	9	8	—	4	6
——— If containing more than Thirty per Centum and not exceeding Forty per Centum of such Alkali,						
in a British built Ship, the Cwt. -	—	11	6	—	5	9
in a Ship not British built, the Cwt.	—	12	2	—	5	9
——— If containing more than Forty per Centum of such Alkali,						
in a British built Ship, the Cwt. -	—	14	6	—	7	3
in a Ship not British built, the Cwt.	—	15	2	—	7	3

CAP. CX.

An Act to amend the Laws for the Prevention of Smuggling.
[5th *August* 1822.]

57 G. 3. c. 87.

‘ WHEREAS by an Act passed in the Fifty seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend Two Acts passed in the Forty fifth Year of His present Majesty, and in the last Session of Parliament, for the making more effectual Provision for the Prevention of Smuggling*, it is enacted, That it shall and may be lawful to and for any Justice or Justices of the Peace, before whom any Person so arrested as therein mentioned, being a Subject of His Majesty, and not being fit and able to serve His Majesty in His Naval Service, shall be carried, on the Confession of any such Person of any such Offence as therein mentioned, with which he may be charged in any Information or Complaint, to be then and there laid or exhibited by any Officer of Customs or Excise

§ 5.

‘ against

'against him, or on Proof thereof on the Oath of One or more 'credible Witness or Witnesses, to convict such Person in such 'Penalty respectively as therein mentioned; and every such Per- 'son so convicted as aforesaid shall, immediately on such Convic- 'tion, pay down into the Hands of such Officer the said Penalty 'in which he or she shall be so convicted; and if any such Person 'or Persons so convicted shall not forthwith pay down the said 'Penalty, the said Justice or Justices shall, and he and they is 'and are by the said Act respectively authorized and required, by 'Warrant under his or their Hand and Seal, to commit the Person 'so convicted as aforesaid to any Gaol or Prison, or House of 'Correction, until such Penalty shall be paid; and that in all 'cases where any Person liable to be arrested under any of the 'Acts made for the Prevention of Smuggling, shall be fit and able 'to serve His Majesty in His Naval Service, and liable under the 'said Acts, or any of them, to be impressed into such Service, 'every such Person so arrested shall be taken before such Jus- 'tice or Justices as aforesaid, and shall upon such Proof as by the 'said Act of the Forty fifth Year aforesaid therein mentioned, or 'any other Act, is required, be committed by such Justice or Jus- 'tices to Prison, to answer such Information and abide such Judg- 'ment as may be thereon given against him in that Behalf; and 'that it shall and may be lawful for the Gaoler or Keeper of any 'Prison or House of Correction in which such Person shall be 'so imprisoned, or for any Officer of Customs or Excise, on the 'Order of the Commissioners of Customs or Excise respectively 'directing the Prosecution, to such Gaoler or Keeper and Officer 'respectively, to carry and convey, or cause to be carried or con- 'veyed, any such Person on board of any of His Majesty's Ships 'of War, in order to his being impressed into His Majesty's Naval 'Service; and if such Person shall at any Time or Times after 'any such Commitment as aforesaid, and before the Expiration of 'Five Years from the Time of his Arrest, escape or desert from 'or leave such Custody or Service, he shall, over and beside all 'Punishment to which he shall be subject for such Desertion, be 'liable to be at any Time or Times afterwards again arrested and 'imprisoned, or delivered over as aforesaid: And Whereas it is 'expedient that so much of the said Act as is hereinbefore recited 'shall be repealed, and other Provisions made in lieu thereof:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act of the Fifty seventh Year aforesaid, as is hereinbefore recited, shall be and the same is hereby repealed; and that from and after the passing of this Act, it shall and may be lawful in and throughout the United Kingdom of *Great Britain* and *Ireland*, to and for any Justice or Justices of the Peace before whom any Person liable to be arrested, and arrested under any of the Acts made for the Prevention of Smuggling, shall be carried, on the Confession of such Person of the Offence or Offences for which he shall be so detained, and with which he shall be charged in any Information or Complaint then and there exhibited or made by any Officer of Customs or Excise, or any other Officer or Person employed for the

Repealed.

Justices before whom Offenders against Acts for Prevention of Smuggling shall be brought, shall, on Conviction, order Punishment by

Fine, Imprisonment or Impressment, in the manner herein mentioned.

the Prevention of Smuggling, against him, or on Proof thereof upon the Oath of One or more credible Witness or Witnesses, to convict in the Forms or to the Effect specified in the Schedule hereto annexed, such Person of such Offence or Offences; and every such Person so convicted as aforesaid, who shall not be a Seaman or Seafaring Man, or being such Seaman or Seafaring Man shall not be fit and able to serve His Majesty in his Naval Service, shall immediately, upon such Conviction, pay into the Hands of such Officer the Penalty of One hundred Pounds for every such Offence of which he shall be so convicted as aforesaid, or in Default thereof, the said Justice or Justices shall and he and they is and are hereby respectively authorized and required, by Warrant under his and their Hand and Seal, or Hands and Seals, to commit such Person so convicted as aforesaid, and making such Default as aforesaid, to any Gaol or Prison or House of Correction, there to remain until every such Penalty for every such Offence of which he shall be so convicted shall be paid, such One hundred Pounds to be levied and applied as the Penalty hereby repealed; and if the Person so convicted as aforesaid shall be a Seaman or Seafaring Man, and fit and able to serve His Majesty in His Naval Service, and liable, under the said Acts, or any of them, for the Offence or Offences of which he shall be so convicted as aforesaid, to be impressed into such Service, and shall not prove that he is not a Subject of His Majesty, it shall and may be lawful for any such Officer or Person as aforesaid, and he and they is and are hereby required, upon such Conviction of such Person as aforesaid, to carry or convey, or cause to be carried or conveyed, such Person on board of any of His Majesty's Ships, in order to his serving His Majesty in His Naval Service; and if such Person shall at any Time or Times after such Conviction as aforesaid, and before the Expiration of Five Years from the Time of such Conviction, by any means escape or desert from such Custody or Service respectively, so as not to complete the Service of Five Years in His Majesty's Navy, according to the true Intent and Meaning of this Act, he shall, over and above all Punishment to which he shall be subject for Desertion, be liable to be at any Time or Times afterwards again arrested and delivered over as aforesaid: Provided always, that if it shall be made appear to any such Justice or Justices, that convenient Arrangements cannot be at once made for carrying or conveying such Seaman or Seafaring Man, so convicted as aforesaid, on board any of His Majesty's Ships, in order to serve His Majesty, it shall and may be lawful for any such Justice or Justices, and he or they are hereby required to commit any such Seaman or Seafaring Man so convicted as aforesaid, to any Prison or Gaol, there to remain in safe Custody for any Period not exceeding One Month, in order that Time may be given to make Arrangements for so conveying such Seamen or Seafaring Men on board any of His Majesty's Ships as aforesaid: Provided always, that the Commissioners of His Majesty's Treasury, or any Three or more of them, shall have full Power and Authority to remit or mitigate any such Penalty, Punishment or Service as aforesaid, whether the Parties shall be Seafaring Men or otherwise; provided that no Justice or Justices shall accept or receive any Bail for any Person liable to be arrested, and arrested as aforesaid; any thing in this

Offenders escaping.

Proviso where Offenders cannot be immediately carried on board His Majesty's Ships.

Treasury may mitigate Punishment.

Bail.

this or any other Act or Acts to the contrary thereof notwithstanding.

'II. And Whereas by an Act passed in the Twenty fourth Year of His said late Majesty's Reign, intituled '*An Act for the more effectual Prevention of Smuggling in this Kingdom*, a Penalty of Five hundred Pounds is imposed on the Master or other Person having Charge of any *British* Ship or Vessel, not being in the Service of His Majesty's Navy or His Majesty's Revenue of the Customs or Excise, who shall carry or hoist any Pendant or Ensign as therein mentioned: And Whereas His late Majesty by His Royal Proclamation, bearing Date the First Day of *January* One thousand eight hundred and one, was pleased, with the Advice of His Privy Council, to order and appoint what Ensign or Colours should be borne at Sea by Merchant Ships or Vessels belonging to any of His Majesty's Subjects of the United Kingdom of *Great Britain* and *Ireland*, and of the Dominions thereunto belonging, thereby charging and commanding all His Majesty's Subjects whatsoever that they should not presume to wear in any of their Ships or Vessels His Majesty's Jack, commonly called the Union Jack, nor any Pendants, nor any such Colours as are usually worn by His Majesty's Ships, without particular Warrant for their so doing from His Majesty, or His High Admiral of *Great Britain*, or the Commissioners for executing the Office of High Admiral for the time being, and also commanding His Majesty's Subjects that without such Warrant as aforesaid they should presume not to wear on board their Ships or Vessels any Flags, Jacks, Pendants or Colours, made in imitation of or resembling those of His Majesty, or any Kind of Pendant, whatsoever, or any other Ensign than the Ensign described in the Margin of the said Proclamation: And Whereas it is expedient that all Doubts that may have been entertained as to the Law on this Subject should be removed, and that Provision should be made for carrying the said Proclamation into effect;' 24 G. 3. Sess. 2. c. 47. § 24. Proclamation, 1 Jan. 1801.

Be it therefore enacted and declared, That from and after the passing of this Act, it shall not be lawful for any of His Majesty's Subjects whomsoever to hoist, carry or wear in or on board any Ship, Vessel or Fishing Boat or any other Vessel or Boat whatever, whether Merchant or otherwise, belonging to any of His Majesty's Subjects, His Majesty's Jack, commonly called the Union Jack, or any Pendant, or any such Colours as are usually worn by His Majesty's Ships, or any Flag, Jack, Pendant or Colours whatever, made in imitation of or resembling those of His Majesty, or any Kind of Pendant whatsoever, or any Ensign or Colours whatever, other than those prescribed by the said Proclamation; and that if any Person or Persons shall nevertheless presume to hoist, carry or wear in or on board any Ship or Vessel, Fishing Boat or other Vessel or Boat whatever, belonging to any of His Majesty's Subjects, whether the same be Merchant or otherwise, His Majesty's Jack, commonly called the Union Jack, or any Pendant or Colours such as are commonly worn by His Majesty's Ships, or any Jack, Flag, Pendant or Colours whatever, made in imitation of or resembling those of His Majesty, or any Kind of Pendant whatever, without such Warrant as aforesaid, or any other Ensign or Colours than the Ensign or Colours prescribed by the said Proclamation

Hoisting on board any Ship, Boat, &c. Flags, &c. worn by His Majesty's Ships, without Warrant from the Admiralty,

to be worn, then and in every such case the Master or other Person having charge of such Ship, Vessel or Boat, or the Owner or Owners thereof, being on board the same, and every other Person so offending, shall for every such Offence forfeit and pay the Sum of Five hundred Pounds, to be recovered with Costs of Suit, either in the High Court of Admiralty, or in any of His Majesty's Courts of King's Bench or Exchequer at *Westminster* or *Dublin*, or in the Courts of Session or Exchequer in *Scotland* respectively; and that it shall be lawful for any Officer of His Majesty's Navy, Customs or Excise, to enter on board any Ship, Vessel or Boat so hoisting, wearing or carrying any Jack, Flag, Ensign, Pendant or Colours prohibited by the said Proclamation and by this Act to be hoisted, worn or carried, and to seize and take away the same; and the same shall thereupon become forfeited.

Penalty, 500*l.*

Officers of the Navy, &c. may enter such Ships, &c.

'III. And Whereas it is expedient that all Seizures of Spirits 'and other Goods made by Officers of the Customs, or by Per- 'sons acting under the Orders or Directions of the Commissioners 'of His Majesty's Customs, should be delivered into the Custody 'of the Persons authorized by the said Commissioners to receive 'the same, in order to their Prosecution and Condemnation by the 'said Commissioners, agreeably to the Provisions and Directions 'of Two Acts of Parliament passed in the Forty fifth and Forty 'seventh Years of the Reign of His said late Majesty, for the 'more effectual Prevention of Smuggling;' Be it therefore enacted, That every Seizure made by any Officer or Officers of His Majesty's Customs, or Person or Persons acting under the Orders or Directions of the said Commissioners, shall together with the Ships and other Vessels, Carts and other Carriages, Horses and other Cattle seized therewith, or on account thereof,† to be delivered over to and lodged and secured under the Provisions of the said Acts made in the Forty fifth and Forty seventh Years of the Reign of His said late Majesty, and be disposed of or prosecuted for Condemnation by Order and under the Directions of the said Commissioners of Customs; and that such Commissioners shall and are hereby authorized to direct and pay all Rewards for the making of every such Seizure, and of all Costs and Expences relating thereto, in the manner directed by the several Laws in force for the Prevention of Smuggling.

Seizures, together with Vessels, &c. delivered over to Commissioners of Customs for Condemnation, 45 G. 3. c. 121. 47 G. 3. s. 2. c. 66.;

† *Sic.*

who may direct the Payment of Rewards for such Seizures.

SCHEDULE to which this Act refers.

FORM of Conviction to be used in the Case of a Smuggler not a Seaman or Seafaring Man, or not fit to serve in the Navy.

County of [*or as the case may be*] to wit. } BE it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and at in the County of *A. B.* [*the Name of the Smuggler*] hath been duly convicted before me [*Name of Justice*] One [*or*, before us and Two] of His Majesty's Justices of the Peace, in and for the County of [*or*, for the Riding, Division, City, Liberty, Town or Borough of [*as the case may be*] of [*here state the Offence*] by him the said *A. B.* committed, against the Provisions of the Acts of Parliament made and passed for the Prevention

tion of Smuggling, which Offence hath been duly proved before me [*or* us] on the Oath of One or more credible Witnesses; and I [*or* we] do therefore adjudge that the said *A. B.* hath, for such Offence, forfeited the Sum of pursuant to the Act passed in the Third Year of King George the Fourth [*here state the Title of the present Act.*] Given under my Hand and Seal [*or* our Hands and Seals] at in the County of the Day of in the Year of the Reign of his present Majesty King and in the Year of our Lord One thousand eight hundred and .

FORM of Conviction to be used in the Case of a Smuggler being a Seaman or Seafaring Man, and fit and able to serve in the Navy.

County of [*or as the case may be*] to wit. } BE it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and *A. B.* [*the Name of the Smuggler*] hath been duly convicted before me One [*or*, before us and Two] of His Majesty's Justices of the Peace in and for the County of [*or*, for the Riding, Division, City, Liberty, Town or Borough of *as the case may be*] of [*here state the Offence*] by him the said *A. B.* committed against the provisions of the Acts of Parliament made and passed for the Prevention of Smuggling; which Offence hath been duly proved before me [*or* us] on the Oath of One or more credible Witnesses; and the said *A. B.* being a Seafaring Man, and fit and able to serve His Majesty in His Navy, I [*or*, we] do hereby adjudge the said *A. B.* to serve in His Majesty's Naval Service, pursuant to the Act passed in the Third Year of King George the Fourth, intituled [*here state the Title of this Act*]. Given under my Hand and Seal [*or*, our Hands and Seals] at in the County of the Day of in the Year of the Reign of His present Majesty King and in the Year of our Lord One thousand eight hundred and .

CAP. CXI.

An Act to allow, until the Tenth Day of *November* One thousand eight hundred and twenty four, the Exportation of Spirits distilled from Corn for Home Consumption in *Scotland*, to Parts beyond Seas, without Payment of the Duty of Excise chargeable thereon. [5th *August* 1822.]

'WHEREAS it is expedient that Distillers making Spirits from Corn for Home Consumption in *Scotland*, should be enabled, for a limited Period, to export such Spirits as Merchandize direct from *Scotland* to His Majesty's Plantations and Colonies abroad, and to Parts beyond the Seas, without Payment of the Duties of Excise chargeable thereon:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *November* One thou-

Distiller of Spirits for Home Consumption may export Spirits to Plantations, &c.

thousand eight hundred and twenty two, it shall and may be lawful for any Distiller of Spirits from Corn for Home Consumption in *Scotland*, to export such Spirits, or a Part thereof, from *Scotland* to His Majesty's Plantations and Colonies abroad, or to Parts beyond the Seas; provided such Distiller should conform to the Rules and Regulations prescribed by this Act, but not otherwise.

Distiller to provide Warehouses and proper Fastenings.

II. And be it enacted, That every such Distiller, in order to be enabled to export such Spirits, shall provide a proper Warehouse, to the Satisfaction of the Commissioners of Excise in *Scotland*, in which Warehouse no Articles, Matters or Things whatsoever shall be deposited, save and except such Spirits made in *Scotland*, for Home Consumption in *Scotland*, as are intended to be so exported; and every such Warehouse shall be provided with proper Locks and Fastenings by the Supervisor of the District, at the Expence of such Distiller providing such Warehouse.

Spirits deposited in Warehouse not to be of greater Strength than 24 per Cent. above Hydrometer Proof, nor in Casks containing less than 100 Gallons.

III. And be it enacted, That no Spirits shall be deposited in such Warehouse of a greater Strength than Twenty four *per Centum* above Hydrometer Proof, or in Casks containing less than One hundred Gallons, the Content of each such Cask being first accurately ascertained by the proper Officer of Excise, by Guage, Measurement or otherwise, to his Satisfaction, and such Content cut in Figures thereupon, and on each and every of which Casks there shall be inscribed the Words "For Foreign Exportation," distilled by [*mention Name of the Distiller or Distillers*] in Letters not less than Three Inches in Length; and if any Spirits shall be removed to or deposited in any such Warehouse of a greater Strength, or in any Cask or Casks of a less Content, all such Spirits, and the Cask or Casks containing the same, shall be forfeited, and may be seized by any Officer of Excise; and if any Person or Persons shall alter the Strength or Quantity of the Spirits contained in any such Cask, or the Content of any such Cask, after the same shall have been ascertained, or the Figures denoting the same cut thereon, every Person so offending shall for every such Offence forfeit a Penalty not exceeding Two hundred Pounds, to be sued for, recovered and applied as any other Excise Penalty may be sued for, recovered and applied.

Penalty.

Notice to Officer of depositing Spirits in Warehouse, Officer take Account, and ascertain Strength and Quantity of Spirits.

IV. And be it enacted, That any Distiller desiring to deposit Spirits in any such Warehouse shall give at least Twenty four Hours' Notice in Writing to the proper Officer of Excise, who shall attend at the Time specified in such Notice, and shall take an Account of the Stock of such Distiller, which he shall enter in the Book which he keeps for such Purpose, and shall see the Spirits intended to be deposited in such Warehouse, drawn off from the Vessel or Vessels in which the same shall be contained, at the Premises of such Distiller, into the Cask or Casks which are to be deposited in such Warehouse, and shall ascertain the Strength and Quantity of Spirits to be then deposited in such Warehouse, and enter the same, together with a Description of the Cask or Casks in which the same shall be contained, with the Figures and Words inscribed thereon as aforesaid, in a Book to be kept for that Purpose, in which Book shall at the same time also be entered any Marks which shall have been put on any of such Casks by such Distiller, and shall thereafter see the same deposited in such Warehouse, which shall be locked and fastened by such

Entry thereof, Marks on Casks, &c.

Officer with Two separate and different Locks and Fastenings, One of which Locks shall be provided by the Supervisor of Excise at the Expence of such Distiller, the Keys of which shall remain in the Custody of such Officer, who shall give such Distiller Credit for the Excise Duties chargeable on such Spirits so deposited in such Warehouse, in settling the Quantity of Spirits for which such Distiller shall be liable to pay the Duties of Excise chargeable thereon.

Distiller to provide Locks, &c.

V. Provided always, and be it enacted, That it shall be lawful for any such Distiller, at all reasonable times, not oftener than once a Week, to have Access to such Warehouse for the Purpose of viewing and examining such Spirits, and the State of the Casks containing the same, and to prevent Leakage or Damage; for which Purpose the proper Officer of Excise shall attend upon receiving Six Hours' Notice in Writing.

Distiller may have Access to Warehouse,

VI. And be it enacted, That no Spirits shall be taken out of or removed from such Warehouse, save and except for the Purpose of being exported as Merchandize direct from *Scotland* to Parts beyond the Seas, at one or other of the following Ports; *videlicet*, *Leith*, *Aberdeen*, *Dundee*, *Inverness*, *Greenock*, or *Port Glasgow*; and any Distiller intending so to export all or any Part of such Spirits, shall give at least Twenty four Hours' Notice in Writing to the proper Officer of Excise, specifying the Number, the Marks and the Content of each Cask, and the Strength and Quantity of the Spirits contained in each such Cask in such Warehouse then meant to be so exported, and the Port in *Scotland* from whence the same is to be so exported, and the Place beyond the Seas to which the same is to be exported, and the Vessel destined for such Place of which the same is to be put on board.

Spirits to be removed from Warehouse for Exportation only.

Notice.

VII. And be it enacted, That before any such Spirits shall be taken out of any such Warehouse for such Purpose, a Bond shall be executed and delivered by such Distiller, and One or more sufficient Surety or Sureties, to His Majesty, His Heirs and Successors, in double the Value of such Spirits, and of the Excise Duty which would be payable thereon if such Spirits were used for Home Consumption in *Scotland*, (which Bond the Collector of Excise of the District is hereby authorized and required so to take); conditioned that such Spirits shall (the Dangers of the Seas or Enemies only excepted) be exported to and landed at such Port as shall be specified in such Bond, without Alteration in Quality or Quantity, except what may be occasioned by total Loss or Waste through unforeseen and inevitable Accident, and shall not be landed in any other Place, nor relanded in any Part of the United Kingdom; and such Collector of Excise shall give to such Distiller a Certificate of such Distiller having entered into such Bond, whereupon a Permit may and shall be granted to accompany such Spirits from such Warehouse to the Port from whence they are to be exported; in which Permit shall be specified the Number, the Marks and the Content of each Cask, and the Strength and Quantity of the Spirits contained in each such Cask meant to be so exported, the Port from whence each such Cask is to be exported, the Maker of such Spirits, and Place from which the same is removed, and the Place to which the same is to be removed and shipped for such Exportation, the Place beyond the

Bond to be given for due Exportation.

Condition.

Certificate of Bond.

Permit granted for Removal of such Spirits.

Seas to which the same is to be exported, and the Vessel destined for such Place of which the same is to be put on board, and such other Particulars as may be directed by the Commissioners of Excise in *Scotland*, whereupon the Spirits specified in such Permit as contained in the Cask or Casks therein specified may be taken out of such Warehouse: Provided nevertheless, that no such Spirits shall be so removed therefrom on any Excise Holiday, or at any time of the Day before Nine in the Morning or after the Hour of Two in the Afternoon.

No Removal of Spirits on a Holiday.

Hours of Removal.

VIII. And be it enacted, That if any Spirits shall be taken out of any such Warehouse otherwise than in the manner authorized and directed by this Act, or if any Person shall privately enter such Warehouse without the Presence of the proper Officer of Excise, or if any Person shall alter or change any Spirits contained therein, or if any Distiller shall refuse to pay for the Locks and Fastenings thereof herein directed to be provided by the Supervisor of Excise, or damage or injure the same, or any of them, every Person so offending shall forfeit and pay the Penalty of Two hundred Pounds, to be sued for, recovered and applied in the same Way as any other Excise Penalty may be sued for, recovered and applied; or if any Spirits shall be found conveying to any Port or Place without a Permit, or if the Person conveying any Spirits shall not on Demand of any Officer of Excise or Customs produce such Permit, authorizing the Removal of such Spirits, the same shall be forfeited and may be seized by such Officer.

Taking out Spirits contrary hereto, altering Strength of Spirits, or refusing to pay for Locks, &c.

Penalty, 200*l.*

Unduly conveying Spirits.

Forfeited.

Regulations respecting Arrival of Spirits at Port of Shipment.

IX. And be it enacted, That Notice in Writing shall be given to the proper Officer or Officers of Excise, at the Port in *Scotland* from whence such Spirits are to be so exported, by or under the Direction of the Person intending to export the same, at least Six Hours previous to the Time when such Spirits shall arrive at such Port, in which Notice shall be specified, the Time when such Spirits are expected to arrive at such Port from whence the same is meant to be exported, the Number, the Marks and Content of each Cask, and the Strength and Quantity of the Spirits contained in each Cask meant to be so exported, the Place beyond Seas to which the same is to be exported, and the Vessel destined for such Place of which the same is to be put on board, and the Time when the Shipment is intended to take place; and if any such Spirits shall be put on board any Vessel without such Notice being given as aforesaid, or without the Officer having an Opportunity of inspecting and examining such Spirits, and the Casks containing the same, in consequence of such Notice, or if after such Examination such Spirits shall not, with all due Diligence and without unnecessary Delay, be put on board such Vessel, such Spirits shall be forfeited, and shall and may be seized by such Officer of Excise.

Undue Delay in Shipping.

Forfeiture.

Spirits found of a different Strength or

X. And be it enacted, That if upon Examination of such Spirits and the Casks containing the same, and the Permit accompanying the same pursuant to such Notice, the Spirits in the Cask or Casks therein specified shall be found of a different Strength or Quantity than the Strength or Quantity specified in such Notice and such Permit, or if any of the Casks shall be found to vary in Description from the Description given in such Notice and Permit, or

or if there shall be any Discrepancy between the Particulars specified in the Notice and the Particulars specified in the Permit, as hereinbefore directed to be severally specified therein, all such Spirits, and the Casks containing the same, shall be forfeited, and shall and may be seized by such Officer of Excise; and moreover the Bond hereinbefore directed to be granted to His Majesty, His Heirs and Successors, shall also be forfeited, and the same shall and may be enforced against the Granters thereof.

Forfeited together with Bond.

XI. And be it enacted, That if after such Examination no Variation shall be found in any of the Particulars herein immediately before mentioned, such Spirits shall be put on board of the Vessel or Vessels specified in such Notice and Permit, as soon as conveniently may be after such Examination, under the Superintendance of the Officer by whom such Examination shall have been made; and such Officer shall thereupon indorse a Certificate thereof upon the Back of such Permit, and shall deliver such Permit, with such Certificate thereon, to the Proprietor of the Spirits, or some Person authorized by him to receive the same; and such Certificate, with the Permit on which it is indorsed, shall be delivered as soon as conveniently may be thereafter to the Collector of Excise, by whom the aforesaid Bond shall have been taken, conditioned for the Exportation and Landing of such Spirits at the Port therein specified; otherwise the Obligants in such Bond shall be and become liable in the Sum of Money specified therein.

Spirits to be shipped if found correct.

Certificate indorsed on Permit, and delivered to Collector by whom Bond shall have been taken.

XII. And be it enacted, That such Collector so receiving such Permit and Certificate shall indorse a Memorandum thereof on such Bond, and shall thereafter deliver such Permit and Certificate, or cause the same to be delivered, to the proper Officer of Excise, who shall thereupon make an Entry thereof in the Book kept by him of Spirits distilled by such Distiller to whom such Spirits so exported belonged before the Removal thereof for Exportation as aforesaid, and then, but not sooner, such Distiller shall be discharged of the Excise Duties chargeable on so much Spirits as shall have been exported pursuant to this Act, and to the Condition of the aforesaid Bond.

Collector to deliver Permit and Certificate to Officer, who is to make Entry thereof.

XIII. And be it enacted, That it shall and may be lawful for any Distiller making Spirits for Home Consumption in *Scotland* from Malt made from Bear or Bigg, to export direct from *Scotland* to Parts beyond the Seas, Spirits made for Home Consumption in *Scotland* from such Malt, in the manner provided by this Act; any other Law to the contrary notwithstanding.

Spirits made from Bear or Bigg may be exported.

XIV. And be it further enacted, That this Act shall continue in force until the Tenth Day of *November* One thousand eight hundred and twenty four.

Continuance of Act.

CAP. CXII.

An Act to authorize the further Advance of Money out of the Consolidated Fund, for the Completion of Works of a Public Nature, and for the Encouragement of the Fisheries in *Ireland*. [5th *August* 1822.]

'WHEREAS an Act was passed in the Fifty seventh Year of the Reign of His late Majesty King *George* the Third, intituled

57 G.3. c. 34. and c. 124.

'tituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned*, and which was amended by an Act made in the same Session of Parliament; and both which said Acts of the said Fifty seventh Year of His late Majesty's Reign were amended, and the Powers of the Commissioners appointed for carrying the said Acts into Execution in *Ireland* were extended, by an Act passed in the Fifty eighth Year of His said late Majesty's Reign; and all the said Acts were amended, so far as the same relate to *Ireland*, by an Act made in the First Year of the Reign of His present Majesty: And Whereas by the said recited Acts certain Powers were vested in and given to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for the Appointment of Commissioners, and for the issuing of Money, not exceeding in the Whole the Sum of Two hundred and fifty thousand Pounds, out of the Consolidated Fund, for the Purposes of the said Acts; and it is expedient that the said Powers should be continued and further extended, in manner hereinafter mentioned and provided for;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at any Time after the passing of this Act, by or out of such Monies as shall at any Time or Times remain in the Receipt of the Exchequer of *Ireland*, or out of the Growing Produce of the Consolidated Fund of the United Kingdom arising in *Ireland*, (after paying or reserving sufficient to pay all such Sum or Sums of Money as have been directed by any former Act or Acts of Parliament to be paid in *Ireland* out of the said Consolidated Fund), there shall and may be issued, by Order of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, from time to time, in manner and under the Regulations in the said recited Act and this Act mentioned and contained, any further Sum or Sums of Money, not exceeding in the Whole the Sum of Two hundred and fifty thousand Pounds *Irish* Currency, to be applied to the Purposes of the said recited Acts and this Act, in Manner and under the Regulations in the said recited Acts and this Act mentioned and contained.

58 G.3. c.88. 1 G.4. c.81. for advancing 250,000l. for Public Works in Ireland.

Advance of additional 250,000l.

II. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for the Commissioners for the Execution of the said recited Acts and this Act, in *Ireland*, by and with the Consent and Approbation of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to direct any Advance of Money to be made under the said recited Acts or this Act, in Aid of any Public Works whatever in *Ireland*, or for the Purposes of commencing, carrying on or completing of any Public Roads, Railways, Bridges, Canals, Navigations, Embankments, Drainages, Harbours or Churches, or any Public Works whatever in *Ireland*, or for the Encouragement of any Fisheries, or for the Support of any Colleries or Mines, or for the making or executing of any Work whatever, whether of a Public or Private Nature

Commissioners with Consent of Lord Lieutenant may direct advance of Money on Security of Rates or expected Rates, and for any Works, Public or Private.

ture in *Ireland*, either upon such Real or Personal Securities as in the said Acts are mentioned, or upon Mortgage or Assignment of any Rates, Rents, Tolls or Profits, or of any expected Rates, Rents, Tolls or Profits, of any such Public or Private Works, in all Cases in which it shall appear to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, that any such Rates, Rents, Tolls or Profits, or any expected Rates, Rents, Tolls or Profits, shall or may be sufficient to pay Interest on such Advance, and the Principal Money so advanced, at or within any such Time or Times, and by any such Instalments, as the said Commissioners, with the Approbation of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, may think proper in any Case to direct and appoint, and as shall be specified in the Security to be given, or in the Mortgage or Assignment to be made of such Rates, Rents, Tolls or Profits, or expected Rates, Rents, Tolls or Profits, and although the Whole or any Part of the estimated Expences of any such Public Works shall not be subscribed for, or deposited or vested in any Public Fund, according to the Provisions in the said recited Acts or any of them; any thing in the said recited Acts or any of them to the contrary notwithstanding.

Lord Lieutenant may order Payment of Interest, at Four per Cent., on Sums advanced by Individuals for carrying on Roads, Canals, &c. for Six Years.

III. And for the encouraging of Advances to be made by Individuals, for the undertaking or completing of Works of public or private Utility in *Ireland;* be it further enacted, That if at any Time after the passing of this Act, any Person or Persons shall be willing and desirous, severally or jointly, to undertake or to contribute to the undertaking or carrying on, or making or repairing of any Road, Railway, Bridge, Canal, Navigation, Embankment, Drainage or Harbour, or to the Support of any Fishery, Colliery or Mine, or any other Work whatever, either on their own private Account or in aid of any public Company or Corporation, or Trustees, and shall advance and pay any Sum or Sums of Money for such Purpose, under such Regulations as the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* shall direct and appoint, with reference to the Work in respect of which such Advance shall be made, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for the time being, in case he or they shall think fit so to do, to order and direct that an Interest or Premium, not exceeding the Rate of Four Pounds *per Centum per Annum* on every One hundred Pounds so advanced, shall be paid to the Person or Persons advancing any such Sum or Sums of Money, and such Interest or Premium shall be payable at the Receipt of the Exchequer in *Dublin*, according to the Course of the said Exchequer, or at the Bank of *Ireland*, from time to time, by Half yearly Payments, for any Period not exceeding Six Years from the Time of the Advance of any such Sum or Sums of Money respectively, and then to cease and determine, or for any Period not exceeding Six Years, until the Profits of any such Work shall be sufficient to pay an Interest or Dividend of Four Pounds *per Centum* on the Money so advanced for undertaking or completing the same, in case such Work shall be of a Nature to afford such Profits; and such Half yearly Interest or Premium shall be issued and made for and during every such Period and no longer, out of the Produce

Produce of the Consolidated Fund arising in *Ireland*, in such Manner and under such Regulations as the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall from time to time, order, direct and appoint.

Powers of recited Acts, and of c. 34. ante, extended to this Act.

IV. And be it further enacted, That all the Powers, Authorities, Clauses, Rules, Regulations, Conditions and Provisions, Penalties and Forfeitures, contained in the said hereinbefore recited Acts of the Fifty seventh and Fifty eighth Years of His late Majesty's Reign, and of the First Year of the Reign of His present Majesty, or any or either of them, with respect to the Appointment and Removal and Duty of Commissioners under the said recited Acts or either of them, or with respect to the Advance of any Sum or Sums of Money in *Ireland*, for any of the Purposes in the said recited Acts, or any or either of them mentioned and specified; or with respect to the Repayment of any Sum or Sums of Money by any Person or Persons, or in any manner relating to such Sum or Sums of Money, or any Certificate or Receipt respecting the same, or any Interest or Instalment thereof; or to any Persons to whom such Sum or Sums shall be advanced, or to the Sureties of, or the Securities to be given by any such Person or Persons, shall extend, and be deemed and construed to extend, and shall be applied and put in execution with respect to the advancing, applying, securing and repaying any Sum or Sums of Money under the Provisions of this Act; and any such Sum or Sums of Money may be advanced for any of the Purposes mentioned and specified in the said recited Acts, or either of them, or in this Act; and all Persons who at the Time of the passing of this Act, shall be Commissioners for the Execution of the Purposes of the said recited Acts or either of them, shall be Commissioners for the Execution of the said recited Acts and this Act, and shall and may be removed from such Commission, and other Persons may be appointed to be Commissioners in their stead; and that in all cases where any Sum or Sums of Money shall be advanced under the Provisions of this Act, either for the carrying on any Public or Private Work, or for the Payment of any Interest or Premium on any Money advanced by Individuals for any such Works, all the Powers and Authorities contained in an Act, made in this present Session of Parliament, intituled *An Act for the Employment of the Poor in certain Districts in* Ireland, with respect to the Purchase of Lands, Grounds, Houses or Hereditaments, for the Purposes of that Act, by Persons to be named and appointed for the Purpose by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall extend, and be deemed and construed to extend, and shall be applied and put in Execution with respect to the Purchase of any Lands, Grounds, Houses or Hereditaments, requisite for the Purposes of this Act, and for the carrying on or completing of any Works for which any Sum or Sums of Money shall be advanced, or any Interest or Premium shall be allowed, under the Authority of this Act, in like manner to all Intents and Purposes, as if the said Powers, Authorities, Clauses, Rules, Regulations, Conditions and Provisions of the said recited Acts respectively, were re-enacted and repeated in this Act, to all Intents and Purposes whatsoever; and the said recited Acts and this Act shall be construed together as one Act, so far as the same are compatible

c. 34. ante.

ble or consistent with each other, except only so far as the said first recited Acts are expressly altered or repealed by each other, or by this Act, and as if the Sum of Two hundred and fifty thousand Pounds, authorized to be advanced by this Act, had been authorized to be advanced by the first recited Acts, or either of them, in addition to the Sum of Two hundred and fifty thousand Pounds mentioned in the said first recited Act, of the Fifty seventh Year of the Reign of His said late Majesty King *George* the Third.

On Order of Lord Lieutenant for Advance of Money, on Payment of Interest, Works to be proceeded on without Delay.

V. And be it further enacted, That when and as soon as the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall have given or made any Order or Orders pursuant to the Provisions of this Act, that any Sum of Money shall be advanced for any Public or Private Work, or that any Interest or Premium shall be paid and allowed upon any Sum advanced by any Person or Persons towards any such Work, it shall and may be lawful for the Person or Persons, or Company, Corporation or Trustees, in whose favour any such Order or Orders shall be made, to proceed without Delay to the Execution and Completion of the Work in respect of which such Order or Orders shall have been made; and all the Powers and Provisions of this Act and the several Acts hereinbefore mentioned, shall be applied to the carrying on and completing of such Work accordingly; and that the said recited Act of this present Session of Parliament, for the Employment of the Poor in certain Districts in *Ireland*, and all Matters therein contained relating to Counties at large, shall extend and be construed to extend to Counties of Cities and Counties of Towns in *Ireland*, for the Purposes of the said recited Act and this Act; and that for the summoning or returning of any Jury or Juries for the ascertaining the Value of any Land, Ground, Tenements or Hereditaments requisite to be purchased for the Purposes of the said recited Act or this Act, it shall and may be lawful for the Person or Persons appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Purposes of the said last recited Act, to issue his or their Warrant or Warrants to the Sheriff of any County, County of a City or County of a Town in *Ireland*, thereby commanding and requiring such Sheriff to impannel, summon and return an indifferent Jury of Twenty four Persons to appear before the Person or Persons so appointed as aforesaid, at such Time and Place as in such Warrant shall be specified; and such Sheriff or his Deputy or Deputies, shall impannel, summon and return that number accordingly, out of whom or of such of them as shall appear upon such Summons, the Person or Persons so appointed as aforesaid shall swear or cause to be sworn Twelve to be the Jury for the Purposes of the said Act, or in default of any of them, other honest or indifferent Men of the Standers by, in Manner and under the Regulations in the said Act mentioned and contained, and as if the same were repeated and re-enacted in this Act, except only as the same are altered by this Act.

c. 34. ante, to extend to Cities and Towns.

Summoning Juries accordingly.

CAP.

CAP. CXIII.

An Act to amend an Act, passed in the Fiftieth Year of His late Majesty, for directing that Accounts of Increase and Diminution of Public Salaries, Pensions and Allowances shall be annually laid before Parliament, and for regulating and controlling the granting and paying such Salaries, Pensions and Allowances. [5th *August* 1822.]

50 G. 3. c. 117.

'WHEREAS an Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled '*An Act to direct that Accounts of Increase and Diminution of Public Salaries, Pensions and Allowances, should be annually laid before Parliament, and to regulate and control the granting and paying of such Salaries, Pensions and Allowances:* And 'Whereas it is expedient that the Superannuations allowed to be 'granted by the said recited Act should in certain cases be reduced, and that further Regulations should be made in relation 'thereto, and that a Fund should be raised towards the Payment 'of such Superannuation Allowances, by Deduction from the 'Salaries and Emoluments of the Persons holding Situations entitling them to have such Allowances granted to them; and it is 'expedient and necessary for carrying into Execution the Purposes aforesaid that the said recited Act, passed in the Fiftieth 'Year of the Reign of His late Majesty, should be amended, as 'far as respects such Superannuation Allowances:' May it therefore please Your Majesty that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and twenty two, in lieu and instead of the several Proportions of Salaries and Emoluments, which under the Provisions of the said recited Act are authorized to be granted as Superannuation Allowances, after the respective Periods of Service therein specified, the Proportions of such Salaries and Emoluments, and the respective Periods of Service after which the same may be granted as Superannuation Allowances shall, after the said Fifth Day of *July* One thousand eight hundred and twenty two, with such Exception only as hereinafter is authorized and directed, be as follows; that is to say, to any Officer or Person who shall have served for Ten Years and upwards, and not exceeding Fifteen Years, any annual Allowance, not exceeding in Amount Four twelfths of the annual Salary and Emoluments of his Office or Employment; for Fifteen Years and upwards, and not exceeding Twenty Years, any such annual Allowance, not exceeding in Amount Five twelfths of the annual Salary and Emoluments of his Office or Employment; for Twenty Years and upwards, and not exceeding Twenty five Years, any annual Allowance not exceeding in Amount Six twelfths of such Salary and Emoluments; for Twenty five Years and upwards, and not exceeding Thirty Years, any annual Allowance not exceeding in Amount Seven twelfths of such Salary and Emoluments; for Thirty Years and upwards, and not exceeding Thirty five Years, Eight twelfths of such

The Superannuation Allowances and the Periods of Service after which the same may be granted, shall be as herein mentioned, instead of those granted by recited Act.

such Salary and Emoluments; for Thirty five Years and upwards, and not exceeding Forty Years, Nine twelfths of such Salary and Emoluments; for Forty Years and upwards, and not exceeding Forty five Years, Ten twelfths of such Salary and Emoluments; for Forty five Years and upwards, and not exceeding Fifty Years, Eleven twelfths of such Salary and Emoluments; and to any Officer or Person who shall have served for Fifty Years and upwards, any annual Allowance not exceeding the net Amount of the Salary and Emoluments of his Office or Employment, after making a Deduction therefrom equal in Amount to the Deduction or Contribution to which such last mentioned Salary and Emoluments is or are made liable for the Purpose of creating a Superannuation Fund under the Provisions of this Act; and all such Salaries and Emoluments shall, for the Purpose of estimating the Amounts of Superannuation Allowances to be granted in respect thereof, be calculated upon the Amount of the pecuniary Emoluments made chargeable with the respective Deductions and Payments which are by this Act required to be made for the creating the Superannuation Fund to be formed under the Provisions thereof.

How far Persons superannuated allowed Benefit of Service after July 5, 1822.

II. Provided always, and be it enacted, That no Person to be hereafter superannuated under the Provisions of this Act shall claim or be allowed the Benefit of any Period of Service after the Fifth Day of *July* One thousand eight hundred and twenty two, except for the Period during which such Person may have contributed to the Fund created and established by this Act, unless the Salary received by such Person, during the Period for which he did not contribute, was not of an Amount which would, under the Terms of this Act, have subjected it to any Contribution.

Superannuations, (exception) to be granted only by Treasury.

III. And be it further enacted, That from and after the Fifth Day of *July* One thousand eight hundred and twenty two, no Superannuation Allowance shall be granted by any Public Department whatever, other than under the Authority of an Order of His Majesty in Council, or by the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them; any thing in the said recited Act of the Fiftieth Year aforesaid to the contrary notwithstanding.

Conditions of Allowances for Age and Infirmity.

IV. Provided always, and be it further enacted, That it shall not be lawful to grant any such Superannuation Allowance to any Officer who shall be under Sixty five Years of Age, unless upon Certificates from the Heads of the Department to which any such Officer shall belong, and from Two Medical Practitioners, that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Situation, nor unless he shall have discharged the Duties of his Situation with Diligence and Fidelity, to the Satisfaction of the Head Officers or Head Officer of the Office or Department to which he shall belong, to be certified by any Two of such Head Officers (if there shall be more than One) or by such Head Officer (if only One), and in case the Person claiming any such Superannuation Allowance shall himself be One of the Head Officers, or the Head Officer, then such Superannuation Allowance shall not be granted, unless he shall have discharged the Duties of his Situation with Diligence

Diligence and Fidelity, to the Satisfaction of the Commissioners of the Admiralty (if such Head Officer or Person shall hold any Office or Situation under the Controul of that Department), and in all other Cases to the Satisfaction of the Commissioners of the Treasury; and the said Commissioners of the Admiralty and Treasury respectively shall express such Satisfaction in their Minute recommending or directing the Grant of any such Superannuation Allowance.

Allowances may be made in special Cases.

V. And be it further enacted, That in any Case in which it shall appear to the Commissioners of His Majesty's Treasury, that any Special Circumstances give to any Officer a just Claim to any Amount of Superannuation Allowance not authorized by this Act, or exceeding the Allowance specified therein, with reference to the actual Length of Service of such Officer, it shall be lawful for the Commissioners of His Majesty's Treasury, and they or any Three or more of them are hereby empowered and authorized, to grant or to give Authority for the granting of any special Superannuation: Provided always, that the Grounds upon which any such special Superannuation shall be granted or authorized, shall be stated in the Grant thereof, or the Authority for granting the same, and also entered in the Minutes of the Treasury, and shall also be laid before Parliament, within One Month after the Fifth Day of *January* in each Year, if Parliament shall be then sitting, or if Parliament shall not then be sitting, then within One Month after the then next Meeting of Parliament.

Special Cases to be laid before Parliament.

Amount of Superannuation Allowances made up yearly in each Department, as hereinmentioned.

VI. And be it further enacted, That an Account shall be made up to the Fifth Day of *January* in each Year, specifying the total Amount of Superannuation Allowances payable under the Provisions of this Act in each Department, on the Fifth Day of *January* in the preceding Year, the Name of every Person receiving such Allowance who may have died in the Course of the Year, together with the annual Amount of the Allowance which was payable to such Person, and also the Name of every Person to whom a Superannuation Allowance may have been granted in the Course of the Year, and the annual Amount of such Allowance; and such Account shall be laid before Parliament on or before the Twenty fifth Day of *March* in each Year, if Parliament shall be then sitting, or if Parliament shall not be then sitting, then within One Month after the then next Sitting of Parliament.

Act to extend to Offices enumerated in Schedule, others may be added by Treasury.

VII. And be it further enacted, That this Act shall extend to all such Civil Office and Departments in the United Kingdom as are set forth and enumerated in the Schedule to this Act annexed, with such Exceptions as are specified in the said Schedule: Provided always, that it shall be lawful for the said Commissioners of His Majesty's Treasury, by any Order or Warrant signed by the said Commissioners, or any Three or more of them, to add to the List of Offices and Departments enumerated in the Schedule to this Act, any other Offices or Departments which now exist or which may hereafter be created or established, and to place the same, and the Officers and Persons belonging thereto or employed therein, under the Provisions of this Act; provided that in every such case the Reasons for adding any such Office or Department shall be stated in such Order or Warrant, and a Copy of every such Order or Warrant shall be laid before Parliament within

Account of such additional Offices laid before Parliament.

within One Month after the Signing thereof, if Parliament shall be then sitting, or if Parliament shall not then be sitting, then within One Month after the then next Sitting of Parliament; and all the Provisions of this Act, and all the Powers, Authorities, Regulations, Restrictions and Clauses therein contained, shall in every such Case apply and be put in force as to every Office and Department so added as aforesaid to the List contained in the Schedule to this Act annexed, as fully and effectually, to all Intents and Purposes, as if the said Offices or Departments had been specified and enumerated in the said List.

Not to extend to Offices entitling to Half Pay, or to Officers in Courts of Justice, &c.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to or authorize the adding to such List any Offices held under Military or Naval Commissions, entitling the Officers or Persons holding the same to Half Pay; or any Military or Naval Allowances in lieu of or in addition to Half Pay, allowed, granted or paid, or which may hereafter be granted or paid, under the Regulations of any Order of His Majesty in Council, to any Persons who may have served in His Majesty's Army, Navy or Ordnance; or to any Officers in any of His Majesty's Courts at *Westminster* or *Dublin*, or any other of His Majesty's Courts of Justice elsewhere; or to any of the Principal Officers of His Majesty's Receipt of the Exchequer, whose Offices are or may hereafter be directed to be abolished or regulated upon the Termination of the existing Interests therein; or to any Offices in relation to which the granting of any Allowances for past Service has been specially regulated by any Act of Parliament made for the special Regulation of any such Allowance; or to any Offices held as Sinecures, or executed principally by Deputy.

Persons holding certain Offices may contribute, and be entitled to Superannuation under this Act. 57 G. 3. c. 65.

IX. Provided always, and be it further enacted, That in case any Person who shall at the time of the passing of this Act hold any Office in respect of which any Allowance is authorized to be granted under an Act passed in the Fifty seventh Year of the Reign of His said late Majesty, intituled *An Act to enable His Majesty to recompense the Services of Persons holding, or who have held, certain high and efficient Civil Offices*, and who shall, at any time previously to his Appointment to such Office, have held any other Office or Offices, or Situation or Situations, in respect of which any Superannuation Allowance might have been granted for Service therein, under the Provisions of the said recited Act of the Fiftieth Year of His late Majesty; and in case such Person shall, within Six Months after the passing of this Act, signify his Desire to the Head or Heads of the Department to which he shall belong, to contribute to the Superannuation Fund to be created under the Provisions of this Act, and who shall thereupon contribute to such Fund, from the Fifth Day of *July* One thousand eight hundred and twenty two, in manner in this Act directed, then and in every such case the Person so contributing shall be entitled to reckon the Period of his former Services, together with that of his Service in the Office held at the time of the passing of this Act, and may, in pursuance thereof, be entitled to receive such Amount of Superannuation Allowance as is authorized by the Provisions of this Act; Provided always, that in every Case in which any such Officer or Person

Return of Contributions in certain Cases.

shall retire from or quit any such Office, under any Circumstances which will not authorize the Grant of any Superannuation Allowance under the Provision of this Act, such Officer or Person shall be entitled to a Return of all Money deducted from and contributed by him under the Provisions of this Act, but without any Interest thereon.

Proportions of Deductions from Salaries to raise Superannuation Fund.

X. And be it further enacted, That all Salaries and Emoluments of Officers and Persons to whom Superannuation Allowances may be granted under the Provisions of this Act shall be and are hereby charged with such Deductions and Payments as are hereinafter specified, in proportion to the annual Amount of the Salary and Emoluments of each Office or Employment; (that is to say), Upon and in respect of any Office or Employment, the Salary and Emoluments of which shall in the whole amount to One hundred Pounds and be less than Two hundred Pounds *per Annum*, a Deduction at and after the Rate of Two Pounds Ten Shillings *per Centum per Annum* upon the Amount of such Salary and Emoluments; and upon and in respect of every Office or Employment, the Salary and Emoluments of which shall amount to Two hundred Pounds *per Annum* and upwards, a Deduction at and after the Rate of Five Pounds *per Centum per Annum* upon so much of the Salary and Emoluments of the Person holding any such Office or Employment as may have been or may hereafter be fixed or authorized as the future and permanent Salary and Emoluments of any such Office or Employment, according to any Regulations heretofore, or which may hereafter be sanctioned by Parliament, or which may be made by His Majesty in Council, or by the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Department in or to which any such Office or Employment may belong; and a Deduction at and after the Rate of Ten Pounds *per Centum per Annum* upon any Excess of Salary and Emoluments which any such Officer or Person, now holding and executing the Duties of such Office or Employment, may be allowed to continue to receive, and be in the Receipt of, in respect of any such Office or Employment, beyond the Amount of Salary and Emolument which may have been or may be so fixed and regulated as aforesaid, as the future and permanent Salary of such Office or Employment; and all such Charges, Deductions and Payments shall be made upon the Amount of Salary and Emoluments received in the Proportions hereinbefore mentioned, and shall go to and be applied in the creating, raising and maintaining a Superannuation Fund, under the Provisions of this Act; and all such Deductions and Payments respectively shall commence and take effect from and after the Fifth Day of *July* One thousand eight hundred and twenty two.

Commencement of Deductions.

Contributions on Two or more Offices.

XI. And be it further enacted, That if any Person shall hold Two or more Offices giving a Claim to a Superannuation Allowance, the Amount of Contribution to be paid by such Person shall be estimated upon the total Amount of the Salaries and Emoluments received by such Person in respect of both or all of such Offices.

Percentage upon Salaries to be deducted,

XII. And be it further enacted, That all such Charges upon and in respect of the Salaries and Emoluments of any Office or Employment, or upon any Officer or Person required by this Act to contribu

tribute to the creating, raising and maintaining the Superannuation Fund to be created and raised under the Provisions of this Act, shall be deducted by the respective Officers in each Department who shall pay such Salaries, and shall be accounted for and paid over in such Manner and at such Times, and upon such Orders and Vouchers for the Deduction and Payment thereof, as shall be from time to time established in any such Department, with the Sanction of the Commissioners of His Majesty's Treasury, or any Three or more of them, in relation thereto; and all such Charges as may arise upon any Emoluments of any Office or Employment, not being in the Nature of Salary, but derived from Fees, Perquisites or any other Sources of Emolument, shall be accounted for and paid in each Quarter to some Officer or Person in such Department; and all such Payments shall be made, and such Vouchers given in respect thereof, and shall be accounted for and paid over by the Person receiving the same, in such Manner, and under such Rules and Regulations as shall be established in that Behalf in the Department in which the same shall be received, with the Approbation of the Commissioners of the Treasury, or any Three or more of them.

and upon any Emoluments not received as Salary, to be paid to Superannuation Fund.

XIII. Provided always, and be it further enacted, That it shall be lawful for the Person or Persons at the Head of any Department in which any Fees, Perquisites or other Sources of Profit, may form Part of the Emolument of any Office in such Department, to take, with the Approbation of the Commissioners of His Majesty's Treasury, or any Three or more of them, a Sum not exceeding the Average Amount of such Emoluments for Three preceding Years, and fix the Amount to be paid towards the Superannuation Fund in respect thereof, upon a Sum not exceeding such Average; and in every such case the Amount of Payment so fixed shall be deducted from any Salary received by the Person holding such Office or Employment, and accounted for and paid over to the Superannuation Fund, in manner directed by this Act as to Deductions from Salaries.

Average may be made by Head of Department of Emoluments not arising from Salary.

XIV. Provided always, and be it further enacted, That in every Case in which any Person who shall have contributed, by Deductions or Payment towards the Superannuation Fund established by this Act, shall die while holding any Office or Employment, or Offices or Employments, in respect of which any such Deduction or Payment shall have been made, the Aggregate and full Amount of the Principal Sum of all Deductions and Payments which shall have been made from or by any such Person, in respect of any Office or Employment, or Offices or Employments which may have been held by any such Person as aforesaid, but without any Interest thereupon, shall be deemed part of the Personal Estate or Property of the Person so dying, and shall be deviseable as such or distributed, in case no Devise shall be made thereof as Personal Estate; and the Amount thereof shall be ascertained and certified by the Head Officers or Head Officer of the Department or Departments in which such Deductions or Payments shall have been made, within Six Months after the Death of the Person so dying, and paid to the Executors or Administrators of such Person out of the Superannuation Fund established under the Provisions of this Act, in such manner as shall be established by any

Principal Sums contributed, but without Interest, repaid to Executors, &c. of Persons dying in Office.

In Cases herein mentioned, Treasury may direct Contributions by Persons dying after Resignation, &c. to be repaid to their Executors, &c.

Regulation which may be made from time to time by the Commissioners of His Majesty's Treasury, or any Three or more of them, in that Behalf: Provided also, that in case any Person who may have contributed to the same Superannuation Fund shall die after his Resignation or Removal from any Office, in respect of which he may have contributed to the said Fund, and without having received any Allowance therefrom, it shall be lawful for the Commissioners of His Majesty's Treasury, if they shall think fit under the Circumstances of the Case, to direct the Aggregate Amount of the Deductions and Payments which may have been made from or by such Person to be repaid as aforesaid to his Executors or Administrators.

Certain Allowances upon Retirement paid out of Funds of Departments, and not charged upon Superannuation Fund.

XV. And be it further enacted, That in every Case in which any Allowance hath been heretofore granted, or shall hereafter be granted to any Person upon Retirement from any Office or Employment, in any Case in which the Office or Employment shall have been or shall be upon such retirement abolished, or in which any Arrangement shall have been or shall be made upon any such Retirement, producing a Saving upon the Establishment of the Department in which such Office or Employment shall belong, equal to or exceeding the Allowance granted upon such Retirement, such Allowance shall be considered as a Compensation Allowance upon Abolition of Office, and shall be paid wholly out of the Funds of the Department to which the Person so retiring shall have belonged, and no Part thereof shall be charged upon or paid out of the Superannuation Fund established under the Provisions of this Act.

One Moiety of Superannuations paid as heretofore; the other Moiety out of Sums contributed under Act; Surplus paid into Banks of England and Ireland, towards Superannuation.

XVI. And be it further enacted, That One Moiety of all Superannuation Allowances which shall or may be granted from and after the Fifth Day of *July* One thousand eight hundred and twenty two, shall be paid in the respective Offices and Departments in like manner, and out of such and the like Funds as heretofore, and the remaining Moiety of all such Superannuation Allowances shall be paid out of the Sums deducted and contributed under the Regulations of this Act, for the Payment of Superannuations, and for forming the Superannuation Fund to be created and established in pursuance thereof; and the Surplus of the Money so deducted and contributed (if any shall remain after Payment of such last mentioned Moiety) shall be paid by the Officers or Persons respectively who shall receive such Contributions in *Great Britain*, into the Bank of *England*, and by such Officers or Persons respectively as shall receive such Contributions in *Ireland*, into the Bank of *Ireland*; and the Cashier or Cashiers of the said Banks of *England* and *Ireland* respectively are hereby required to receive all such Sums of Money, and to place them in new and separate Accounts, to be raised in the Books of the Governor and Company of the Bank of *England*, in the Names of the Commissioners for the Reduction of the National Debt, and in the Books of the Governor and Company of the Bank of *Ireland*, in the Name of the Vice Treasurer of *Ireland* for the time being, under the Title or Denomination of "The General Superannuation Fund," of the Public Civil Departments of Government, established pursuant to an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth.

XVII. And

Statement of Sums contributed and Sums chargeable to be delivered before any Payments made.

XVII. And be it further enacted, That the Head Officers or Head Officer (in case there shall be only One) of every Office or Department wherein any Superannuation Allowance shall be payable under the Provisions of this Act, shall, within Thirty Days after the Expiration of every Quarter of a Year, transmit or cause to be transmitted, in Duplicate, to the Commissioners of His Majesty's Treasury, a Statement, containing the Aggregate Amount of all Salaries, Allowances, Fees or other Emoluments, payable in respect of the preceding Quarter, to the several Persons employed in such Department, and subject to Deduction or Contribution for the Purposes of this Act, and also containing the Aggregate Amount of the Sums deducted or contributed therefrom, in respect of such Quarter, and also containing the Aggregate Amount of the Superannuation Allowances payable in respect of the same Quarter in such Department, distinguishing such Superannuation Allowances as shall have been granted subsequently to the Fifth Day of *July* One thousand eight hundred and twenty two; and every such Statement shall be according to such Form or Forms, and under such Regulations as shall from time to time be directed or approved by the Commissioners of His Majesty's Treasury, or any Three or more of them, for the time being; One of which Duplicate Statements shall, as soon as conveniently may be after the same shall be received by the Commissioners of His Majesty's Treasury, be transmitted to the Office of the said Commissioners for the Reduction of the National Debt in *England*, and to the Vice Treasurer in *Ireland*.

Heads of Departments authorized by Treasury may draw for Excess of Superannuation Allowances above the Contributions, under Regulations herein mentioned.

XVIII. And be it further enacted, That in case and whenever the Aggregate Amount of Superannuation Allowances payable in any Quarter of the Year, in any Office or Department, and which shall have been granted subsequently to the Fifth Day of *July* One thousand eight hundred and twenty two, shall exceed the Aggregate Amounts of the Sum payable by virtue of this Act out of the public Funds of the said Office or Department, and also of the Sums to be deducted or contributed from the Salaries and Emoluments of the respective Officers or Persons employed therein, taken together, then and in every such case the Commissioners of His Majesty's Treasury shall, by Warrant under the Hands of any Three or more of them, authorize and empower the Head Officers if more than One, or in Cases where there shall be only One, then the Head Officer of every such Office or Department wherein any such Excess shall occur, to draw upon the Commissioners for the Reduction of the National Debt in *England*, or upon the Vice Treasurer in *Ireland*, as the case may require, for the Amount thereof, and shall also by another Warrant under the Hands of any Three or more of them, authorize the said last mentioned Commissioners and Vice Treasurer respectively, to issue or pay to the proper Officer of such Office or Department, out of the General Superannuation Fund under their Management, the Amount of such Excess; and in every such case it shall be lawful for such Head Officers or Head Officer, by any Draft or Writing under the Hands of not less than Two of such Head Officers (if more than One) or under the Hand of such Head Officer (where there shall be only One) attested by Two or more credible Witnesses, to draw upon the Commissioners for the

Reduction of the National Debt in *England*, or upon the Vice Treasurer in *Ireland*, as the case may require, for such a Sum of Money as shall be necessary to provide for the said Excess in the Aggregate Amount of such Superannuation Allowances payable in respect of such Quarter in the said Office or Department, over and above the Aggregate Amounts of the said respective Sums by this Act made applicable in such Quarter to the Payment thereof; and every such Draft shall be drawn in such Form as the Commissioners of His Majesty's Treasury, or any Three or more of them for the time being shall from time to time direct or approve, and shall be made payable to such Person or Persons as shall be specially appointed for the Purpose in such Office or Department, in the manner hereinafter directed; and

Chief Officer of Commissioners of National Debt to indorse Drafts.

the Comptroller General or other Chief Officer of the said Office of the Commissioners for the Reduction of the National Debt or his Assistant in *England*, and such Officer as shall be specially appointed for that Purpose in the Office of the Vice Treasurer in *Ireland*, shall, within Seven Days after the Receipt of any such Draft respectively, indorse thereupon an Order under his Hand, and in such Form as shall or may from time to time be directed by the Commissioners for the Reduction of the National Debt in *England*, and the Vice Treasurer in *Ireland* respectively, with the Approbation of the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Payment of the Sum mentioned in the said Draft; and every Order for the Payment of any such Draft, if in *England*, shall be countersigned by the Principal Accountant of the Cheque Department in the Office of the said Commissioners for the Reduction of the National Debt or his

Order for Payment countersigned as herein mentioned.

Chief Clerk, and in *Ireland* by such Officer or Officers as shall be appointed by the Commissioners of His Majesty's Treasury, or any Three or more of them, for that Purpose, who is and are hereby respectively required to make an Entry of every such Draft, and of the Order thereupon, in Books to be kept in the said respective Offices of the Commissioners for the Reduction of the National Debt in *England*, and of the Vice Treasurer in *Ireland* for that Purpose; and such Orders respectively shall be addressed to the Cashiers of the Governor and Company of the Bank of *England* or of the Bank of *Ireland*, as the case may require; and

Cashiers upon Production of Drafts to pay.

such Cashiers or One of them shall, upon the Production of such Drafts and Orders, pay the Sums specified and directed therein respectively to the Person or Persons named therein, whose Receipt or Receipts shall be a sufficient Discharge to the respective Governors and Companies of the Banks of *England* and *Ireland*, and also to the Commissioners for the Reduction of the National Debt and the Vice Treasurer of *Ireland* respectively; and all and every Sum and Sums of Money which shall be received in pursuance of any such Drafts and Orders as aforesaid, shall be paid and applied in Discharge of the Superannuation Allowances, in the Office or Department in respect whereof such Drafts and Orders shall be drawn.

Heads of Departments to appoint Persons to receive ac-

XIX. And be it further enacted, That before any such Draft as aforesaid shall be drawn by the Head Officers or Head Officer (as the case may be) of any Office or Department, upon the Commissioners for the Reduction of the National Debt in *England*, or

upon the Vice Treasurer in *Ireland*, for any Sum or Sums of Money required for the Payment of any Superannuation Allowances under the Provisions of this Act, such Head Officers or Head Officer (where there shall be only One) of every such Department, shall, by some Deed or Instrument, under the Hands and Seals of Two or more of them (if more than One) or under the Hand and Seal of such Head Officer (where there shall be only One) and attested by Two credible Witnesses, nominate and appoint some Person or Persons, who shall be then serving or employed in such Department, to receive such Sum or Sums of Money as shall or may from time to time be payable at the Banks of *England* or *Ireland* respectively, under any Orders of the Comptroller General, or other Chief Officer in the Office of the Commissioners for the Reduction of the National Debt in *England* or his Assistant, or of the Person appointed for that Purpose in the Office of Vice Treasurer in *Ireland*; and every such Deed or Instrument shall in *England* be produced and deposited in the Office of the said last mentioned Commissioners, and in *Ireland* at and in the Office of the Vice Treasurer there, Seven Days at least before any Order shall be issued from the said Offices respectively for the Payment to the Person or Persons therein named, of any Sum or Sums of Money on account of such Department: Provided always, that it shall be lawful for the Head Officers or Head Officer for the time being of any Office or Department wherein any such Appointment shall have been made, from time to time as often as they or he shall think fit and Circumstances may require, by any Deed or Instrument to be executed and attested as herein before is directed, to revoke any such Nomination or Appointment as aforesaid, which shall have been made either by themselves or himself, or by any of their or his Predecessors or Predecessor in the Office, and by the same Deed or Instrument to make any new Appointment for the Purposes and in the Manner hereinbefore directed; and every such new Appointment shall, from the Time to be specified therein, supersede the Appointment then in force, and shall from time to time, as the case may require, be produced at and deposited in the respective Offices of the Commissioners for the Reduction of the National Debt in *England*, or of the Vice Treasurer in *Ireland*, in the manner hereinbefore directed.

cording to prescribed Forms, before Drafts drawn.

Appointment produced and deposited as herein mentioned.

Proviso for new Appointments.

Produced and deposited as herein mentioned.

XX. And be it further enacted, That after satisfying the Claims to which the said General Superannuation Fund shall or may, under the Provisions of this Act, be subject at the End of every Quarter of a Year, the Surplus (if any) which shall be remaining of the said Fund at the Bank of *England* or Bank of *Ireland*, shall be vested by or under the Directions of the said Commissioners for the Reduction of the National Debt in *England*, and by or under the Directions of the Vice Treasurer in *Ireland*, in some of the Public Annuities payable at the Bank of *England* or *Ireland* respectively, or in Exchequer Bills, as the said Commissioners or Vice Treasurer respectively shall deem most expedient; and the Dividends or Interest arising therefrom shall be carried to and form Part of the said General Superannuation Fund, standing in the Names of the Commissioners for the Reduction of the National Debt at the Bank of *England*, or in the Name of the Vice

Surplus (if any) after Payments, to be invested, and constitute General Superannuation Fund.

Mode of Investment of Dividends not required for discharging Drafts.

Treasurer of *Ireland* at the Bank of *Ireland*; and so much of the said Dividends or Interest as shall not be required to be issued in discharge of any such Drafts as aforesaid, under the Provisions of this Act, shall from time to time be laid out and invested, by or under the Direction of the said Commissioners and Vice Treasurer respectively, in like Public Annuities or Exchequer Bills, for the Accumulation and Increase of the said General Fund, in the same manner as such Surplus Monies are herein directed to be laid out and invested; and in case there shall at any Time be a Deficiency of uninvested Monies remaining in the Names or Name, and to the Credit of the Accounts of the said Commissioners or Vice Treasurer, in the Books of the Governors and Companies of the Banks of *England* or *Ireland* respectively, to answer the Drafts drawn upon the said Commissioners or Vice Treasurer respectively, under the Provisions of this Act, then and in every such case it shall be lawful for the said Commissioners and Vice Treasurer respectively, to cause so much of the respective Public Annuities or Exchequer Bills standing in their Names on account of the General Superannuation Fund as may be necessary, to be sold out and disposed of, and to apply the Monies to arise and be produced by such Sale or Sales for the Purpose of making good such Deficiency.

Vice Treasurer of Ireland to transmit Accounts required to Treasury.

XXI. And be it further enacted, That the Vice Treasurer of *Ireland* shall from time to time, whenever required so to do by the Commissioners of His Majesty's Treasury, or any Three or more of them, transmit Accounts of the Execution of this Act, and of all Matters and Things relating thereto, in his Execution of the Powers thereof, in such Manner and Form, and containing such Particulars, as shall from time to time be specified in that Behalf by the Commissioners of His Majesty's Treasury, or any Three or more of them.

Certificate, &c. not liable to Stamp Duty.

XXII. And be it further enacted, That no Appointment, Certificate, Order or Receipt, made or given under the Provisions of this Act, shall be liable to any Stamp Duty whatever; any thing in any Act or Acts of Parliament in force in *Great Britain* or *Ireland* to the contrary in any wise notwithstanding.

Counterfeiting Certificates, &c.

XXIII. And be it further enacted, That if any Person or Persons shall forge, counterfeit or alter, or cause or procure to be forged, counterfeited or altered, or knowingly or wilfully act or assist in forging, counterfeiting or altering, any Certificate or Certificates, or any Order or Orders for any Payment to be made under this Act, or any Appointment or Appointments to be made under this Act, or any of them, or any Receipt or Receipts to be given by the Cashier or Cashiers of the Bank of *England* or Bank of *Ireland* in pursuance of this Act, or shall wilfully utter or deliver any such forged, counterfeited or altered Certificate, Order, Appointment or Receipt, to any Person or Persons in the Execution of the Powers of this Act, or shall utter any such forged, counterfeited or altered Certificate, Order, Appointment or Receipt, knowing the same to be forged, counterfeited or altered, with Intent to defraud His Majesty, His Heirs or Successors, or any Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, then and in every such case all and every Person or Persons so offending, and being thereof lawfully convicted, shall

Death.

be

be adjudged guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

XXIV. And be it further enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament. Act may be altered, &c. in this Session.

SCHEDULE referred to in the aforegoing Act.

OFFICES OR DEPARTMENTS.	EXCEPTIONS.
Treasury - -	Lords of the Treasury and Two Joint Secretaries.
Office of Vice Treasurer in Ireland - - -	The Vice Treasurer.
Office of Privy Council, Great Britain and Ireland -	President of the Council.
Office of Committee for Trade	Vice President of the Board of Trade.
Offices of Secretaries of State	Principal and Under Secretaries of State, subject to the Provisions of the Act with respect to Persons already appointed Under Secretaries.
Office of Secretary for Ireland	The Chief Secretary.
Alien Office.	
State Paper Office.	
Office of Registrar of Slaves.	
Police Offices in London and Middlesex and Borough of Southwark.	- - - -
Commander in Chief's Office	Commander in Chief and his Secretary.
Quarter Master General's Office - - - - -	Officers acting under Military Commissions.
Adjutant General's Office -	- Do.
War Office - - - -	Secretary at War.
Army Medical Board.	
Board of General Officers	Officers acting under Military Commissions.
Officers and Servants of the Royal Military College -	Officers or others holding Military Commissions and entitled to Half Pay.
Officers and Servants of the Royal Military Asylum -	
Judge Advocate General's Office	Judge Advocate General.
Army Pay Office - - -	Paymaster General.
Ordnance Office - -	Master General. Lieutenant General. Surveyor General. Clerk of the Ordnance. Clerk of the Cheque, and Principal Storekeeper.

shall retire from or quit any such Office, under any Circumstances which will not authorize the Grant of any Superannuation Allowance under the Provision of this Act, such Officer or Person shall be entitled to a Return of all Money deducted from and contributed by him under the Provisions of this Act, but without any Interest thereon.

Proportions of Deductions from Salaries to raise Superannuation Fund.

X. And be it further enacted, That all Salaries and Emoluments of Officers and Persons to whom Superannuation Allowances may be granted under the Provisions of this Act shall be and are hereby charged with such Deductions and Payments as are hereinafter specified, in proportion to the annual Amount of the Salary and Emoluments of each Office or Employment; (that is to say), Upon and in respect of any Office or Employment, the Salary and Emoluments of which shall in the whole amount to One hundred Pounds and be less than Two hundred Pounds *per Annum*, a Deduction at and after the Rate of Two Pounds Ten Shillings *per Centum per Annum* upon the Amount of such Salary and Emoluments; and upon and in respect of every Office or Employment, the Salary and Emoluments of which shall amount to Two hundred Pounds *per Annum* and upwards, a Deduction at and after the Rate of Five Pounds *per Centum per Annum* upon so much of the Salary and Emoluments of the Person holding any such Office or Employment as may have been or may hereafter be fixed or authorized as the future and permanent Salary and Emoluments of any such Office or Employment, according to any Regulations heretofore, or which may hereafter be sanctioned by Parliament, or which may be made by His Majesty in Council, or by the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Department in or to which any such Office or Employment may belong; and a Deduction at and after the Rate of Ten Pounds *per Centum per Annum* upon any Excess of Salary and Emoluments which any such Officer or Person, now holding and executing the Duties of such Office or Employment, may be allowed to continue to receive, and be in the Receipt of, in respect of any such Office or Employment, beyond the Amount of Salary and Emolument which may have been or may be so fixed and regulated as aforesaid, as the future and permanent Salary of such Office or Employment; and all such Charges, Deductions and Payments shall be made upon the Amount of Salary and Emoluments received in the Proportions hereinbefore mentioned, and shall go to and be applied in the creating, raising and maintaining a Superannuation Fund, under the Provisions of this Act; and all such Deductions and Payments respectively shall commence and take effect from and after the Fifth Day of *July* One thousand eight hundred and twenty two.

Commencement of Deductions.

Contributions on Two or more Offices.

XI. And be it further enacted, That if any Person shall hold Two or more Offices giving a Claim to a Superannuation Allowance, the Amount of Contribution to be paid by such Person shall be estimated upon the total Amount of the Salaries and Emoluments received by such Person in respect of both or all of such Offices.

Percentage upon Salaries to be deducted,

XII. And be it further enacted, That all such Charges upon and in respect of the Salaries and Emoluments of any Office or Employment, or upon any Officer or Person required by this Act to contribute

tribute to the creating, raising and maintaining the Superannuation Fund to be created and raised under the Provisions of this Act, shall be deducted by the respective Officers in each Department who shall pay such Salaries, and shall be accounted for and paid over in such Manner and at such Times, and upon such Orders and Vouchers for the Deduction and Payment thereof, as shall be from time to time established in any such Department, with the Sanction of the Commissioners of His Majesty's Treasury, or any Three or more of them, in relation thereto; and all such Charges as may arise upon any Emoluments of any Office or Employment, not being in the Nature of Salary, but derived from Fees, Perquisites or any other Sources of Emolument, shall be accounted for and paid in each Quarter to some Officer or Person in such Department; and all such Payments shall be made, and such Vouchers given in respect thereof, and shall be accounted for and paid over by the Person receiving the same, in such Manner, and under such Rules and Regulations as shall be established in that Behalf in the Department in which the same shall be received, with the Approbation of the Commissioners of the Treasury, or any Three or more of them.

and upon any Emoluments not received as Salary, to be paid to Superannuation Fund.

XIII. Provided always, and be it further enacted, That it shall be lawful for the Person or Persons at the Head of any Department in which any Fees, Perquisites or other Sources of Profit, may form Part of the Emolument of any Office in such Department, to take, with the Approbation of the Commissioners of His Majesty's Treasury, or any Three or more of them, a Sum not exceeding the Average Amount of such Emoluments for Three preceding Years, and fix the Amount to be paid towards the Superannuation Fund in respect thereof, upon a Sum not exceeding such Average; and in every such case the Amount of Payment so fixed shall be deducted from any Salary received by the Person holding such Office or Employment, and accounted for and paid over to the Superannuation Fund, in manner directed by this Act as to Deductions from Salaries.

Average may be made by Head of Department of Emoluments not arising from Salary.

XIV. Provided always, and be it further enacted, That in every Case in which any Person who shall have contributed, by Deductions or Payment towards the Superannuation Fund established by this Act, shall die while holding any Office or Employment, or Offices or Employments, in respect of which any such Deduction or Payment shall have been made, the Aggregate and full Amount of the Principal Sum of all Deductions and Payments which shall have been made from or by any such Person, in respect of any Office or Employment, or Offices or Employments which may have been held by any such Person as aforesaid, but without any Interest thereupon, shall be deemed part of the Personal Estate or Property of the Person so dying, and shall be deviseable as such or distributed, in case no Devise shall be made thereof as Personal Estate; and the Amount thereof shall be ascertained and certified by the Head Officers or Head Officer of the Department or Departments in which such Deductions or Payments shall have been made, within Six Months after the Death of the Person so dying, and paid to the Executors or Administrators of such Person out of the Superannuation Fund established under the Provisions of this Act, in such manner as shall be established by any

Principal Sums contributed, but without Interest, repaid to Executors, &c. of Persons dying in Office.

In Cases herein mentioned, Treasury may direct Contributions by Persons dying after Resignation, &c. to be repaid to their Executors, &c.

Regulation which may be made from time to time by the Commissioners of His Majesty's Treasury, or any Three or more of them, in that Behalf: Provided also, that in case any Person who may have contributed to the same Superannuation Fund shall die after his Resignation or Removal from any Office, in respect of which he may have contributed to the said Fund, and without having received any Allowance therefrom, it shall be lawful for the Commissioners of His Majesty's Treasury, if they shall think fit under the Circumstances of the Case, to direct the Aggregate Amount of the Deductions and Payments which may have been made from or by such Person to be repaid as aforesaid to his Executors or Administrators.

Certain Allowances upon Retirement paid out of Funds of Departments, and not charged upon Superannuation Fund.

XV. And be it further enacted, That in every Case in which any Allowance hath been heretofore granted, or shall hereafter be granted to any Person upon Retirement from any Office or Employment, in any Case in which the Office or Employment shall have been or shall be upon such retirement abolished, or in which any Arrangement shall have been or shall be made upon any such Retirement, producing a Saving upon the Establishment of the Department in which such Office or Employment shall belong, equal to or exceeding the Allowance granted upon such Retirement, such Allowance shall be considered as a Compensation Allowance upon Abolition of Office, and shall be paid wholly out of the Funds of the Department to which the Person so retiring shall have belonged, and no Part thereof shall be charged upon or paid out of the Superannuation Fund established under the Provisions of this Act.

One Moiety of Superannuations paid as heretofore; the other Moiety out of Sums contributed under Act; Surplus paid into Banks of England and Ireland, towards Superannuation.

XVI. And be it further enacted, That One Moiety of all Superannuation Allowances which shall or may be granted from and after the Fifth Day of *July* One thousand eight hundred and twenty two, shall be paid in the respective Offices and Departments in like manner, and out of such and the like Funds as heretofore, and the remaining Moiety of all such Superannuation Allowances shall be paid out of the Sums deducted and contributed under the Regulations of this Act, for the Payment of Superannuations, and for forming the Superannuation Fund to be created and established in pursuance thereof; and the Surplus of the Money so deducted and contributed (if any shall remain after Payment of such last mentioned Moiety) shall be paid by the Officers or Persons respectively who shall receive such Contributions in *Great Britain*, into the Bank of *England*, and by such Officers or Persons respectively as shall receive such Contributions in *Ireland*, into the Bank of *Ireland*; and the Cashier or Cashiers of the said Banks of *England* and *Ireland* respectively are hereby required to receive all such Sums of Money, and to place them in new and separate Accounts, to be raised in the Books of the Governor and Company of the Bank of *England*, in the Names of the Commissioners for the Reduction of the National Debt, and in the Books of the Governor and Company of the Bank of *Ireland*, in the Name of the Vice Treasurer of *Ireland* for the time being, under the Title or Denomination of "The General Superannuation Fund," of the Public Civil Departments of Government, established pursuant to an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth.

XVII. And

Statement of Sums contributed and Sums chargeable to be delivered before any Payments made.

XVII. And be it further enacted, That the Head Officers or Head Officer (in case there shall be only One) of every Office or Department wherein any Superannuation Allowance shall be payable under the Provisions of this Act, shall, within Thirty Days after the Expiration of every Quarter of a Year, transmit or cause to be transmitted, in Duplicate, to the Commissioners of His Majesty's Treasury, a Statement, containing the Aggregate Amount of all Salaries, Allowances, Fees or other Emoluments, payable in respect of the preceding Quarter, to the several Persons employed in such Department, and subject to Deduction or Contribution for the Purposes of this Act, and also containing the Aggregate Amount of the Sums deducted or contributed therefrom, in respect of such Quarter, and also containing the Aggregate Amount of the Superannuation Allowances payable in respect of the same Quarter in such Department, distinguishing such Superannuation Allowances as shall have been granted subsequently to the Fifth Day of *July* One thousand eight hundred and twenty two; and every such Statement shall be according to such Form or Forms, and under such Regulations as shall from time to time be directed or approved by the Commissioners of His Majesty's Treasury, or any Three or more of them, for the time being; One of which Duplicate Statements shall, as soon as conveniently may be after the same shall be received by the Commissioners of His Majesty's Treasury, be transmitted to the Office of the said Commissioners for the Reduction of the National Debt in *England*, and to the Vice Treasurer in *Ireland*.

Heads of Departments authorized by Treasury may draw for Excess of Superannuation Allowances above the Contributions, under Regulations herein mentioned.

XVIII. And be it further enacted, That in case and whenever the Aggregate Amount of Superannuation Allowances payable in any Quarter of the Year, in any Office or Department, and which shall have been granted subsequently to the Fifth Day of *July* One thousand eight hundred and twenty two, shall exceed the Aggregate Amounts of the Sum payable by virtue of this Act out of the public Funds of the said Office or Department, and also of the Sums to be deducted or contributed from the Salaries and Emoluments of the respective Officers or Persons employed therein, taken together, then and in every such case the Commissioners of His Majesty's Treasury shall, by Warrant under the Hands of any Three or more of them, authorize and empower the Head Officers if more than One, or in Cases where there shall be only One, then the Head Officer of every such Office or Department wherein any such Excess shall occur, to draw upon the Commissioners for the Reduction of the National Debt in *England*, or upon the Vice Treasurer in *Ireland*, as the case may require, for the Amount thereof, and shall also by another Warrant under the Hands of any Three or more of them, authorize the said last mentioned Commissioners and Vice Treasurer respectively, to issue or pay to the proper Officer of such Office or Department, out of the General Superannuation Fund under their Management, the Amount of such Excess; and in every such case it shall be lawful for such Head Officers or Head Officer, by any Draft or Writing under the Hands of not less than Two of such Head Officers (if more than One) or under the Hand of such Head Officer (where there shall be only One) attested by Two or more credible Witnesses, to draw upon the Commissioners for the

Reduction of the National Debt in *England*, or upon the Vice Treasurer in *Ireland*, as the case may require, for such a Sum of Money as shall be necessary to provide for the said Excess in the Aggregate Amount of such Superannuation Allowances payable in respect of such Quarter in the said Office or Department, over and above the Aggregate Amounts of the said respective Sums by this Act made applicable in such Quarter to the Payment thereof; and every such Draft shall be drawn in such Form as the Commissioners of His Majesty's Treasury, or any Three or more of them for the time being shall from time to time direct or approve, and shall be made payable to such Person or Persons as shall be specially appointed for the Purpose in such Office or Department, in the manner hereinafter directed; and the Comptroller General or other Chief Officer of the said Office of the Commissioners for the Reduction of the National Debt or his Assistant in *England*, and such Officer as shall be specially appointed for that Purpose in the Office of the Vice Treasurer in *Ireland*, shall, within Seven Days after the Receipt of any such Draft respectively, indorse thereupon an Order under his Hand, and in such Form as shall or may from time to time be directed by the Commissioners for the Reduction of the National Debt in *England*, and the Vice Treasurer in *Ireland* respectively, with the Approbation of the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Payment of the Sum mentioned in the said Draft; and every Order for the Payment of any such Draft, if in *England*, shall be countersigned by the Principal Accountant of the Cheque Department in the Office of the said Commissioners for the Reduction of the National Debt or his Chief Clerk, and in *Ireland* by such Officer or Officers as shall be appointed by the Commissioners of His Majesty's Treasury, or any Three or more of them, for that Purpose, who is and are hereby respectively required to make an Entry of every such Draft, and of the Order thereupon, in Books to be kept in the said respective Offices of the Commissioners for the Reduction of the National Debt in *England*, and of the Vice Treasurer in *Ireland* for that Purpose; and such Orders respectively shall be addressed to the Cashiers of the Governor and Company of the Bank of *England* or of the Bank of *Ireland*, as the case may require; and such Cashiers or One of them shall, upon the Production of such Drafts and Orders, pay the Sums specified and directed therein respectively to the Person or Persons named therein, whose Receipt or Receipts shall be a sufficient Discharge to the respective Governors and Companies of the Banks of *England* and *Ireland*, and also to the Commissioners for the Reduction of the National Debt and the Vice Treasurer of *Ireland* respectively; and all and every Sum and Sums of Money which shall be received in pursuance of any such Drafts and Orders as aforesaid, shall be paid and applied in Discharge of the Superannuation Allowances, in the Office or Department in respect whereof such Drafts and Orders shall be drawn.

Chief Officer of Commissioners of National Debt to indorse Drafts.

Order for Payment countersigned as herein mentioned.

Cashiers upon Production of Drafts to pay.

Heads of Departments to appoint Persons to receive ac-

XIX. And be it further enacted, That before any such Draft as aforesaid shall be drawn by the Head Officers or Head Officer (as the case may be) of any Office or Department, upon the Commissioners for the Reduction of the National Debt in *England*, or

upon the Vice Treasurer in *Ireland*, for any Sum or Sums of Money required for the Payment of any Superannuation Allowances under the Provisions of this Act, such Head Officers or Head Officer (where there shall be only One) of every such Department, shall, by some Deed or Instrument, under the Hands and Seals of Two or more of them (if more than One) or under the Hand and Seal of such Head Officer (where there shall be only One) and attested by Two credible Witnesses, nominate and appoint some Person or Persons, who shall be then serving or employed in such Department, to receive such Sum or Sums of Money as shall or may from time to time be payable at the Banks of *England* or *Ireland* respectively, under any Orders of the Comptroller General, or other Chief Officer in the Office of the Commissioners for the Reduction of the National Debt in *England* or his Assistant, or of the Person appointed for that Purpose in the Office of Vice Treasurer in *Ireland*; and every such Deed or Instrument shall in *England* be produced and deposited in the Office of the said last mentioned Commissioners, and in *Ireland* at and in the Office of the Vice Treasurer there, Seven Days at least before any Order shall be issued from the said Offices respectively for the Payment to the Person or Persons therein named, of any Sum or Sums of Money on account of such Department: Provided always, that it shall be lawful for the Head Officers or Head Officer for the time being of any Office or Department wherein any such Appointment shall have been made, from time to time as often as they or he shall think fit and Circumstances may require, by any Deed or Instrument to be executed and attested as herein before is directed, to revoke any such Nomination or Appointment as aforesaid, which shall have been made either by themselves or himself, or by any of their or his Predecessors or Predecessor in the Office, and by the same Deed or Instrument to make any new Appointment for the Purposes and in the Manner hereinbefore directed; and every such new Appointment shall, from the Time to be specified therein, supersede the Appointment then in force, and shall from time to time, as the case may require, be produced at and deposited in the respective Offices of the Commissioners for the Reduction of the National Debt in *England*, or of the Vice Treasurer in *Ireland*, in the manner hereinbefore directed.

cording to prescribed Forms, before Drafts drawn.

Appointment produced and deposited as herein mentioned.

Proviso for new Appointments.

Produced and deposited as herein mentioned.

XX. And be it further enacted, That after satisfying the Claims to which the said General Superannuation Fund shall or may, under the Provisions of this Act, be subject at the End of every Quarter of a Year, the Surplus (if any) which shall be remaining of the said Fund at the Bank of *England* or Bank of *Ireland*, shall be vested by or under the Directions of the said Commissioners for the Reduction of the National Debt in *England*, and by or under the Directions of the Vice Treasurer in *Ireland*, in some of the Public Annuities payable at the Bank of *England* or *Ireland* respectively, or in Exchequer Bills, as the said Commissioners or Vice Treasurer respectively shall deem most expedient; and the Dividends or Interest arising therefrom shall be carried to and form Part of the said General Superannuation Fund, standing in the Names of the Commissioners for the Reduction of the National Debt at the Bank of *England*, or in the Name of the Vice

Surplus (if any) after Payments, to be invested, and constitute General Superannuation Fund.

Reduction of the National Debt in *England*, or upon the Vice Treasurer in *Ireland*, as the case may require, for such a Sum of Money as shall be necessary to provide for the said Excess in the Aggregate Amount of such Superannuation Allowances payable in respect of such Quarter in the said Office or Department, over and above the Aggregate Amounts of the said respective Sums by this Act made applicable in such Quarter to the Payment thereof; and every such Draft shall be drawn in such Form as the Commissioners of His Majesty's Treasury, or any Three or more of them for the time being shall from time to time direct or approve, and shall be made payable to such Person or Persons as shall be specially appointed for the Purpose in such Office or Department, in the manner hereinafter directed; and the Comptroller General or other Chief Officer of the said Office of the Commissioners for the Reduction of the National Debt or his Assistant in *England*, and such Officer as shall be specially appointed for that Purpose in the Office of the Vice Treasurer in *Ireland*, shall, within Seven Days after the Receipt of any such Draft respectively, indorse thereupon an Order under his Hand, and in such Form as shall or may from time to time be directed by the Commissioners for the Reduction of the National Debt in *England*, and the Vice Treasurer in *Ireland* respectively, with the Approbation of the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Payment of the Sum mentioned in the said Draft; and every Order for the Payment of any such Draft, if in *England*, shall be countersigned by the Principal Accountant of the Cheque Department in the Office of the said Commissioners for the Reduction of the National Debt or his Chief Clerk, and in *Ireland* by such Officer or Officers as shall be appointed by the Commissioners of His Majesty's Treasury, or any Three or more of them, for that Purpose, who is and are hereby respectively required to make an Entry of every such Draft, and of the Order thereupon, in Books to be kept in the said respective Offices of the Commissioners for the Reduction of the National Debt in *England*, and of the Vice Treasurer in *Ireland* for that Purpose; and such Orders respectively shall be addressed to the Cashiers of the Governor and Company of the Bank of *England* or of the Bank of *Ireland*, as the case may require; and such Cashiers or One of them shall, upon the Production of such Drafts and Orders, pay the Sums specified and directed therein respectively to the Person or Persons named therein, whose Receipt or Receipts shall be a sufficient Discharge to the respective Governors and Companies of the Banks of *England* and *Ireland*, and also to the Commissioners for the Reduction of the National Debt and the Vice Treasurer of *Ireland* respectively; and all and every Sum and Sums of Money which shall be received in pursuance of any such Drafts and Orders as aforesaid, shall be paid and applied in Discharge of the Superannuation Allowances, in the Office or Department in respect whereof such Drafts and Orders shall be drawn.

Chief Officer of Commissioners of National Debt to indorse Drafts.

Order for Payment countersigned as herein mentioned.

Cashiers upon Production of Drafts to pay.

Heads of Departments to appoint Persons to receive ac-

XIX. And be it further enacted, That before any such Draft as aforesaid shall be drawn by the Head Officers or Head Officer (as the case may be) of any Office or Department, upon the Commissioners for the Reduction of the National Debt in *England*, or

upon the Vice Treasurer in *Ireland*, for any Sum or Sums of Money required for the Payment of any Superannuation Allowances under the Provisions of this Act, such Head Officers or Head Officer (where there shall be only One) of every such Department, shall, by some Deed or Instrument, under the Hands and Seals of Two or more of them (if more than One) or under the Hand and Seal of such Head Officer (where there shall be only One) and attested by Two credible Witnesses, nominate and appoint some Person or Persons, who shall be then serving or employed in such Department, to receive such Sum or Sums of Money as shall or may from time to time be payable at the Banks of *England* or *Ireland* respectively, under any Orders of the Comptroller General, or other Chief Officer in the Office of the Commissioners for the Reduction of the National Debt in *England* or his Assistant, or of the Person appointed for that Purpose in the Office of Vice Treasurer in *Ireland*; and every such Deed or Instrument shall in *England* be produced and deposited in the Office of the said last mentioned Commissioners, and in *Ireland* at and in the Office of the Vice Treasurer there, Seven Days at least before any Order shall be issued from the said Offices respectively for the Payment to the Person or Persons therein named, of any Sum or Sums of Money on account of such Department: Provided always, that it shall be lawful for the Head Officers or Head Officer for the time being of any Office or Department wherein any such Appointment shall have been made, from time to time as often as they or he shall think fit and Circumstances may require, by any Deed or Instrument to be executed and attested as herein before is directed, to revoke any such Nomination or Appointment as aforesaid, which shall have been made either by themselves or himself, or by any of their or his Predecessors or Predecessor in the Office, and by the same Deed or Instrument to make any new Appointment for the Purposes and in the Manner hereinbefore directed; and every such new Appointment shall, from the Time to be specified therein, supersede the Appointment then in force, and shall from time to time, as the case may require, be produced at and deposited in the respective Offices of the Commissioners for the Reduction of the National Debt in *England*, or of the Vice Treasurer in *Ireland*, in the manner hereinbefore directed.

according to prescribed Forms, before Drafts drawn.

Appointment produced and deposited as herein mentioned.

Proviso for new Appointments.

Produced and deposited as herein mentioned.

XX. And be it further enacted, That after satisfying the Claims to which the said General Superannuation Fund shall or may, under the Provisions of this Act, be subject at the End of every Quarter of a Year, the Surplus (if any) which shall be remaining of the said Fund at the Bank of *England* or Bank of *Ireland*, shall be vested by or under the Directions of the said Commissioners for the Reduction of the National Debt in *England*, and by or under the Directions of the Vice Treasurer in *Ireland*, in some of the Public Annuities payable at the Bank of *England* or *Ireland* respectively, or in Exchequer Bills, as the said Commissioners or Vice Treasurer respectively shall deem most expedient; and the Dividends or Interest arising therefrom shall be carried to and form Part of the said General Superannuation Fund, standing in the Names of the Commissioners for the Reduction of the National Debt at the Bank of *England*, or in the Name of the Vice

Surplus (if any) after Payments, to be invested, and constitute General Superannuation Fund.

V. And be it further enacted by the Authority aforesaid, That the Certificate to be given by the Extraordinary Commissioner as before mentioned, upon the Deed, Instrument or Writing, the Execution whereof shall have been so proved before said Extraordinary Commissioner in Manner aforesaid, whereof a Memorial also so proved before said Extraordinary Commissioner shall have been so registered in *Ireland*, shall be in the Form or to the Effect following:

Form of Certificate to be given by Extraordinary Commissioner.

'A MEMORIAL of the within Deed was entered in the Register's Office in the City of *Dublin*, upon *day* the Day of in the Year of our Lord at or near the Hour of o'Clock in the noon, in Book Page and Number ; the Execution of said Deed and Memorial having been first duly proved before me, pursuant to the Statute in that Case made and provided, and such Registry appearing by the Certificate of the Register in *Ireland* upon the Copy of said Memorial, and by my Attestation thereof upon said Register's Certificate. Dated this Day of One thousand eight hundred and .

'*C. D.* One of the Extraordinary Commissioners of the Court of Chancery in *Ireland* for taking Affidavits in *Great Britain*.'

And the said Certificate, so signed by such Extraordinary Commissioner, shall be taken and allowed as Evidence of the Registry of the Memorial therein mentioned in all Courts of Record whatsoever in *Great Britain* and *Ireland* respectively: Provided always, that the Registrar or Deputy Registrar of Deeds in *Ireland* shall, upon the Production of any Deed, Instrument or Writing, a Memorial whereof shall have been proved upon Oath before One of the Extraordinary Commissioners aforesaid, register such Memorial, and shall endorse a Certificate of the Registry thereof upon the said produced Deed or Instrument in the usual Manner; any thing hereinbefore contained to the contrary notwithstanding.

On Production of Deed, how Registrar in Ireland to act.

VI. And be it further enacted by the Authority aforesaid, That every Deed, Conveyance or other Instrument in Writing, a Memorial whereof shall be duly registered according to the Regulations in this Act prescribed, shall be deemed and taken as good and effectual in Law and Equity, according to the Priority of Time of registering such Memorial, of, for and concerning the Honors, Manors, Lands, Tenements and Hereditaments, in such Deed, Conveyance or other Instrument in Writing mentioned or contained, according to the Right, Title and Interest of the Person or Persons so conveying such Honors, Manors, Lands, Tenements and Hereditaments, against all and every other Deed, Conveyance or Disposition of the Honors, Manors, Lands, Tenements or Hereditaments, or any Part thereof, comprised or contained in any such Memorial as aforesaid.

Deeds registered accordingly, deemed effectual.

VII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time forge or counterfeit any such Memorial or Certificate as are herein before mentioned, and be thereof lawfully convicted, such Person or Persons shall incur and be liable to such Pains and Penalties as in and by an

Forging Memorials and Certificates.

Act of Parliament made in *Ireland* in the Twenty eighth Year of the Reign of Queen *Elizabeth*, intituled *An Act against forging Evidence*, are imposed upon such like Offenders as therein mentioned; and if any Person or Persons shall at any Time wilfully swear falsely before any such Extraordinary Commissioner in any of the Cases aforesaid, and be thereof lawfully convicted, such Person or Persons shall incur and be liable to the same Pains and Penalties as if such Oath had been made in any of the Courts of Record in *Great Britain* or *Ireland*.

Penalties of 28 Eliz. (I.)

Swearing falsely.

Punishment.

VIII. And be it further enacted by the Authority aforesaid, That this present Act shall be taken and allowed, in all Courts within the United Kingdom of *Great Britain* and *Ireland*, as a Public Act; and all Judges, Justices and other Persons therein concerned, are hereby required as such to take Notice thereof, without specially pleading the same.

Public Act.

CAP. CXVII.

An Act to reduce the Stamp Duties on Reconveyances of Mortgages, and in certain other Cases; and to amend an Act of the last Session of Parliament, for removing Doubts as to the Amount of certain Stamp Duties in *Great Britain* and *Ireland* respectively. [5th *August* 1822.]

Duties under 55 G.3. c.184. Sched. Part 1. on Transfer of Mortgages in Great Britain.

'WHEREAS by an Act passed in the Fifty fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings and other written or printed Instruments and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estates upon Intestacies, now payable in* Great Britain, *and for granting other Duties in lieu thereof*; and by an Act passed in the Fifty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the several Stamp Duties in* Ireland; *and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*; and by the Schedules to the said Acts, respectively annexed, certain *ad valorem* Duties and other Duties were imposed on any Transfer, Assignment, Disposition, Assignation or Reconveyance of any Mortgage or Wadset, or other such Security as in the said Acts, and the Schedules thereto annexed, are mentioned, specified and contained; and by the said Act of the Fifty sixth Year aforesaid, and the said Schedule thereto annexed, a Duty of Three Pence was also imposed on every Promissory Note, whether in the Form of a Bank Note, Bank Post Bill or otherwise, issued by the Governor and Company of the Bank of *Ireland*, or by any registered Banker or Bankers in *Ireland*, where the Sum therein expressed should not amount to Five Pounds: And Whereas it is expedient that the said several Duties should be repealed, and that other Duties should be granted in lieu thereof, in manner hereinafter mentioned:' May it therefore please your Majesty that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

Duties under 56 G.3. c.56. Sched. Part 1. on Transfer of Mortgages and Bankers' Notes in Ireland.

Duties hereinbefore mentioned, repealed, except as to Recovery of Arrears, &c.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Expiration of Ten Days after the passing of this Act, the said several Duties hereinbefore mentioned shall be and the same are hereby repealed; save as to the raising, receiving, allowing or paying any Arrears of the said Duties under the said Acts or either of them respectively; and save as to any Proceedings commenced or to be commenced in any Court, Civil or Criminal, or otherwise, against any Person or Persons for or by reason of any Fine, Penalty or Forfeiture, or Punishment, for or in respect of any Crime or Offence committed or to be committed before the Expiration of Ten Days next after the passing of this Act, in any wise relating to the Collection or Management of the said Duties so repealed.

New Duties:

II. And be it further enacted, That from and after the Expiration of Ten Days next after the passing of this Act, in lieu and instead of the Duties by this Act repealed, there shall be granted, raised, levied, collected and paid in *Ireland*, unto His Majesty, His Heirs and Successors, the several Sums of Money and Duties following; that is to say, upon any Transfer, Assignment, Disposition, Assignation or Reconveyance of any Mortgage, or of any other Security in the said Acts, and the Schedules thereto annexed, in that respect severally mentioned, or of the Benefit thereof, or of the Money or Stock thereby secured, provided no further Sum of Money or Stock be added to the Principal Money or Stock already secured, there shall be paid in *Great Britain* a Stamp Duty of One Pound Fifteen Shillings, and in *Ireland* a Stamp Duty of One Pound *British* Currency, for the First Skin or Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which such Transfer, Assignment, Disposition, Assignation or Reconveyance shall be ingrossed, written or printed; and where any such Transfer or Assignment, Disposition or Assignation, in *Great Britain*, hereby charged with the Duty of One Pound Fifteen Shillings, together with any Schedule, Receipt, or other Matter put or indorsed thereon, or annexed thereto, shall contain Two thousand one hundred and sixty Words or upwards, then for every entire Quantity of One thousand and eighty Words contained therein, over and above the First One thousand and eighty Words, there shall be paid a further progressive Duty of One Pound Five Shillings; and for every Skin or Piece of Vellum or Parchment, or Sheet or Piece of Paper beyond the First, upon which any such Transfer, Assignment or Reconveyance shall be ingrossed, written or printed in *Ireland*, there shall be paid the Sum of Ten Shillings *British* Currency; and if any further Sum of Money or Stock shall be added to the Principal Money or Stock already secured, the *ad valorem* Duty on Mortgages, payable under the said recited Acts respectively, shall be charged only in respect of such further Money or Stock; and that upon every Promissory Note, whether in the Form of a Bank Note, Bank Post Bill or otherwise, which shall be issued by the Governor and Company of the Bank of *Ireland*, or by any Banker or Bankers in *Ireland*, who shall have registered his or their Name or Names, or Firm, in manner directed by Law, where the Sum therein expressed shall not amount to Five Pounds, there shall be paid the Sum of One Penny Halfpenny *Irish* Currency, and no more.

On Transfers of Mortgages in Great Britain and Ireland.

On Bank of Ireland and Bankers' Notes under 5*l*. in Ireland.

III. And

Mortgages free from ad valorem Stamps where ad valorem Bond Dutypreviously paid in Great Britain and Ireland.

III. And be it further enacted, That where any Deed or other Instrument already made or hereafter to be made as an additional or further Security for any Sum or Sums of Money, or any Share or Shares in any of the Government or Parliamentary Stocks or Funds, or in the Stock and Funds of the Governor and Company of the Bank of *England* or of the Bank of *Ireland*, already or previously secured by any Bond on which the *ad valorem* Duty on Bonds, charged by the said recited Acts of the Fifty fifth and Fifty sixth Years of the Reign of His said late Majesty, and the Schedules thereto respectively annexed, shall have been paid, such Deed or other Instrument shall be and be deemed to be and to have been exempt from the several *ad valorem* Duties charged by the said Acts, and the said Schedules respectively on Mortgages, and shall be charged and chargeable only with the ordinary Duty payable on Deeds in general, in *Great Britain* and *Ireland* respectively; but if any further Sum of Money or Stock shall be added to the Principal Money or Stock already secured, the said *ad valorem* Duties respectively shall be charged in respect of such further Sum of Money or Stock; and if necessary for the sake of Evidence, the Deeds and Instruments hereby exempted from the said *ad valorem* Duties shall be stamped with a particular Stamp for denoting or testifying the Payment of the *ad valorem* Duty upon all the Deeds and Instruments relating to the particular Transaction, provided such Deeds and Instruments shall be produced at the Stamp Office in *London* or *Dublin* (as the case may require), and shall appear to be duly stamped with the Duties to which they are liable.

Proviso for additional Sums secured.

4 2 85 6 18

55 G.3. c.184. Sched. Part 1. 56 G.3. c.56. Sched. Part 1. Ad valorem Duties on Advancement of Custom House Officers payable only in respect of increased Salary, &c. in Great Britain and Ireland respectively.

'IV. And Whereas by the said Acts of the Fifty fifth and Fifty sixth Years of the Reign of His said late Majesty, and by the Schedules thereto respectively annexed, certain *ad valorem* Duties are payable upon every Grant or Appointment by His Majesty, His Heirs or Successors, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, or by any other Person or Persons, Body Politic or Corporate, of or to any Office or Employment by Letters Patent, Deed or other Writing: And Whereas it frequently happens that Persons holding such Offices or Employments in His Majesty's Customs in *Great Britain* and *Ireland* respectively, are promoted from one Office to another, and the Grants on such Promotions are chargeable with the whole of the *ad valorem* Duty now payable upon the Appointment to each Office respectively; and it is expedient that upon the Promotion of any Person from any Office or Employment in His Majesty's Customs in *Great Britain* and *Ireland* respectively, in respect of which he shall have once paid the *ad valorem* Duty, to any other Office or Employment therein, the *ad valorem* Duty should not be calculated upon the whole of the Salary, Fees or Emoluments appertaining to the Office or Employment to which he shall be promoted, but only to the Increase gained by such Promotion:' Be it therefore enacted, That in all such cases of Promotion as aforesaid, the *ad valorem* Duty shall be paid and payable on the Appointment to which such Officer shall be promoted, in respect of the Increase only of such Salary, Fees and Emoluments, above the Salary, Fees and Emoluments of the Office or Employment from which the Party promoted shall have been

Exception.

been removed, unless the Amount of such Increase shall be equal in Amount to the original Salary; and in that case, the full *ad valorem* Duty shall be paid on such Appointment, as is payable under and by virtue of the said Acts respectively.

1 & 2 G. 4. c. 55. § 1. repealed as to Ireland.

'V. And Whereas by an Act made in the last Session of Parliament, intituled *An Act to remove Doubts as to the Amount of Stamp Duties to be paid on Deeds and other Instruments under the several Acts in force in* Great Britain *and* Ireland *respectively*, it is amongst other things provided, That any Deed, Agreement or other Instrument duly stamped pursuant to the said Act, shall not be liable to any Stamp Duty by reason of the same also containing any Covenant, Agreement or Obligation for the Payment of any Sum or Sums of Money, at whatever Place such Money may be made payable, or may by Law be payable; and it is expedient to repeal the said Provision in manner hereinafter contained:' Be it therefore enacted, That the said recited Provision shall be and the same is hereby repealed, so far as relates to any such Covenant, Agreement or Obligation for the Payment of any Money which, either by Law or by the Terms of such Covenant, Agreement or Obligation, shall be payable in *Ireland*.

Duties under Management of Commissioners of Stamps.

VI. And be it further enacted, That the Duties hereby granted shall be under the Management of the Commissioners for the time being for managing the Duties on stamped Vellum, Parchment and Paper in *Great Britain* and *Ireland* respectively; and that all the Powers, Provisions, Clauses, Regulations and Directions, Fines, Forfeitures, Pains and Penalties, contained in and imposed by the several Acts relating to His Majesty's Stamp Duties in *Great Britain* and *Ireland* respectively, and to the Vellum, Parchment and Paper, Instruments, Matters and Things charged or chargeable therewith, shall, so far as the same are or shall be applicable, be of full Force and Effect, and be observed, applied, enforced and put in Execution for raising, levying, collecting, securing and applying the Duties hereby granted and otherwise relating thereto, as far as the same are not repealed, or shall not be superseded by or inconsistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Duties hereby granted.

Former Acts extended to this Act.

CAP. CXVIII.

An Act to amend an Act made in this present Session of Parliament, for amending an Act made in the First Year of His present Majesty's Reign, for the Assistance of Trade and Manufactures in *Ireland*, by authorizing the Advance of certain Sums for the Support of Commercial Credit there.

[5th *August* 1822.]

1 G. 4. c. 39. § 10.

'WHEREAS by an Act made in the First Year of the Reign of His present Majesty, intituled *An Act for the Assistance of Trade and Manufactures in* Ireland, *by authorizing the Advance of certain Sums for the Support of Commercial Credit there*, it was among other Things enacted, that it should be lawful for the Governor and Company of the Bank of *Ireland*

'to

'to advance certain Sums of Money under the Regulations of the 'said recited Act, provided that the whole Amount of Money to 'be advanced under the said Act should not exceed the Sum 'of Five hundred thousand Pounds: And Whereas the said Act 'was amended by an Act passed in this present Session of Par- 'liament, reciting that divers Sums of Money, to the Amount of 'One hundred and sixty two thousand eight hundred and forty 'eight Pounds Eighteen Shillings and One Penny, had been ad- 'vanced under the Provisions of the said recited Act; and it is ex- 'pedient that the said Governor and Company of the Bank of *Ire- 'land*, under the Authority of the Commissioners for the Execu- 'tion of the said recited Act, should be empowered to advance 'such further Sums as, with the Sums already advanced, will not 'in the whole, exceed the said Sum of Five hundred thousand 'Pounds; and that the Assistance intended to be afforded under 'the said recited Act, for the Support of Commercial Credit, and 'of Bankers, Merchants, Traders and Manufacturers in *Ireland*, 'should be extended; and that the said Acts should be amended 'in manner hereinafter provided for:' May it therefore please Your 'Majesty that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Persons who have been or may be appointed Commissioners for the Execution of the said recited Act, by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, in manner authorized by the said first recited Act, shall be, and they are hereby constituted Commissioners for the Execution of the said hereinbefore recited Acts and this Act; and shall have all such Powers in the Execution of the said recited Acts and this Act, as are given to such Commissioners by the said recited Acts, except only so far as the same are altered or amended or enlarged by this present Act.

c. 22. ante, § 1.

Commissioners under recited Act to be Commissioners under this Act.

II. And be it further enacted, That it shall and may be lawful for the Commissioners for the Execution of the said recited Acts and this Act, and they are hereby authorized and required to appoint a proper Person for receiving all such Applications in Writing as shall or may be made to them at any Time after the passing of this Act, from any Bankers, Merchants, Traders or Manufacturers in *Ireland*, for the Loan or Advance of any further Part of the said Sum of Five hundred thousand Pounds authorized to be advanced under the said recited Act, beyond such Sum or Sums as shall have been advanced at any Time before the passing of this Act; and it shall be lawful for the said Commissioners, and they are hereby authorized and required, to grant Certificates, and to do all such other Matters and Things for the directing such Advances to be made to such Bankers, Merchants, Traders and Manufacturers in *Ireland*; and it shall be lawful for the Governor and Company of the Bank of *Ireland*, and they are hereby authorized and required, to advance the several Sums of Money mentioned in every such Certificate, to all and every Person and Persons mentioned in every such Certificate, respectively in like Manner and with the like Powers and Authorities, and under the like Rules, Regulations and Restrictions, to all Intents and Purposes, as the Commissioners

Commissioners to appoint a proper Person to receive Applications for Loans and to grant Certificates for Advances.

Bank to advance the Sums mentioned in such Certificates.

for the Execution of the said first recited Act, and the said Governor and Company of the Bank of *Ireland*, are empowered or authorized or enabled to do by the said Act with respect to any Person or Persons making Application for any Loan or Advances under the said Act, except only so far as such Rules, Regulations or Restrictions are amended or altered by this Act.

Loans limited to 500,000*l.*

III. Provided always, and be it enacted, That no Loan or Loans, or Sum or Sums of Money, shall be lent or advanced under the said recited Acts and this Act, to an Amount exceeding in the Whole the Sum of Five hundred thousand Pounds, mentioned and provided for by the said first recited Act.

Money advanced to be repaid by Instalments, with Interest not exceeding 5*l.* per Cent.

IV. And be it further enacted, That the Principal Sums which shall be advanced or lent after the passing of this Act, under and in pursuance of the Certificates of the Commissioners for the Execution of the said recited Acts and this Act, shall be paid, without Deduction or Abatement, together with Interest for the same after any such Rate not exceeding the Rate of Five Pounds for every Hundred Pounds by the Year, and by such Instalments, and in such Proportions, and at such Periods and Times, as the said Commissioners shall, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, direct and appoint, and as shall be specified accordingly in the Securities to be taken by the Commissioners for the Repayment of such Money in manner directed by the said recited Acts and this Act.

Commissioners may grant further Time for the Payment of Instalments or of Interest.

V. And be it further enacted, That in any Case in which any Loan or Loans shall have been made, or any Sum or Sums advanced, at any Time before the passing of this Act, and also in any Case where any Loan or Loans shall be made, or any Sum or Sums of Money shall be advanced, at any Time after the passing of this Act, to any Banker, Merchant, Trader or Manufacturer in *Ireland*, under the Authority of the said recited Acts or this Act, and which Loan or Loans, or Sum or Sums of Money shall have been or shall be made repayable by any Instalment, or in any Proportions, or at any Periods or Times whatever, according to the Provisions of the said recited Acts or this Act; it shall and may be lawful for the Commissioners for the Execution of the said recited Acts and this Act, to grant any further Time for the Payment of any Instalment or Instalments of Principal, and of any Payment or Payments of Interest, or either of them respectively, due or to become due on such Loan or Loans, or Sum or Sums of Money, beyond the Time appointed under the said recited Acts or either of them, or under this Act; and to alter or postpone all or any of the several Periods stipulated or to be stipulated for the Repayment of such Loan or Loans, or Sum or Sums of Money respectively, and Interest, or of any Instalment, Part or Proportion of such Loan or Loans, or Sum or Sums of Money, and of the Payments of Interest thereof respectively, upon such Terms and Conditions, and under such Regulations and Restrictions as the said Commissioners shall think fit, and as they shall in each Case order, direct and appoint, by and with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; any thing in either of the said hereinbefore recited Acts or this Act, to the contrary in any wise notwithstanding: Provided always, that the ultimate

ultimate Period for the Repayment of any such Loan or Loans, or Sum or Sums of Money, or of any Instalment, Part or Proportion of such Loan or Loans, or Sum or Sums of Money, and all Interest thereon, shall not, in any Case, be in the first instance fixed, or afterwards extended beyond the Period at which the Principal of such Loan or Loans, or Sum or Sums of Money, might or would be repaid by annual Instalments of Five Pounds *per Centum* from the Date of the Advance of such Loans respectively.

Repayment not to be extended beyond a certain Period.

VI. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of the said recited Acts and this Act, or any Three or more of them, to require and take Security for the Repayment of any Loan, or any Part of any Loan, granted or to be granted under the said recited Acts or this Act, either by personal Security, as directed by the said recited Acts, or by Mortgages or Assignments of, or other competent Assurances upon the Freehold or Leasehold Estate or Estates of any Principal, either with or without any Surety or Sureties, or of any Surety or other Person or Persons, by or on behalf of whom any such Loan shall have been or shall be required, or to or for whose Use such Loan shall have been or shall be granted, or by both such Securities, as well Real as Personal; and in case of Security by Real Estate, either with or without Sureties, or with or without Security by Personal Estate, as such Commissioners shall think fit; and all such Mortgages, Assignments or other Real Securities, shall be respectively granted and made to and vested in such Commissioners for the time being; and shall be made upon such Terms, and subject to such Provisoes and Conditions, as the said Commissioners, or any Three or more of them, shall direct and appoint with respect to any such Loan, or any Part thereof, with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being.

Directions as to taking Securities and Sureties for Repayment of Loans.

Securities vested in Commissioners.

VII. And be it further enacted, That any Loan or Loans which shall be granted under the Authority of the Commissioners for the Execution of the said recited Acts and this Act, at any Time after the passing of this Act, shall be subject to the same Powers, Limitations, Regulations and Conditions, for the Grant and Recovery thereof, as the Loans already granted under the Authority of the said Commissioners by virtue of the Powers of the said recited Act of the First Year of His present Majesty's Reign, except so far as such Powers, Limitations, Regulations and Conditions are altered or extended by the said recited Act of this Session of Parliament or by this present Act; and that the said Commissioners and all other Persons shall have all such Powers and Authorities for the Purpose of recovering or compelling payment of any Loans already made, the Time of Repayment of which may be extended by the Authority of the said recited Act of this Session of Parliament or this Act, as are given to the said Commissioners or other Persons by the said recited Act of the First Year of His present Majesty's Reign, in respect to any such Loan, or of any Default in the Payment thereof; and that all and every the Clauses and Provisions in the said last recited Act contained, for the Regulation of the Persons applying for such Loans, or for the Regulation of the Proceedings of the said Commissioners, or of the Governor and Company of the Bank of *Ireland*, or of any other Person

Powers of recited Act extended to this Act for Recovery of Loans.

son or Persons, with respect to the Grant of any Loan or Loans, and with respect to the Recovery and Receipt of any Loan or Loans when due and payable, or in any manner relating to any such Loan or Loans, shall be of the like force and effect (except as aforesaid) with respect to any Loan or Loans to be made under the Authority of this Act, as if such Clauses and Provisions were particularly repeated and re-enacted in this Act.

In case the Bank be not repaid their Advances at the Time appointed, with Interest after the Rate of 5*l.* per Cent. the Deficiency to be made good by the Treasury in Exchequer Bills.

VIII. And be it further enacted, That in case it shall happen that any Sum or Sums of Money which shall be lent and advanced by the Governor and Company of the Bank of *Ireland*, at any Time after the passing of this Act, under the Provisions of this Act, shall not be fully paid and satisfied to the said Governor and Company within Ten Days after the several and respective Days and Times to be appointed by the said Commissioners for the Execution of the said recited Acts and this Act, for the Payment of the same by the Parties to whom such Sum or Sums shall be advanced respectively, with Interest after the Rate of Five Pounds *per Centum per Annum*, from the Time when the same shall have been respectively advanced; then and in such case, such Deficiency shall and may from time to time be supplied and made good in manner hereinafter mentioned; that is to say, that the said Commissioners shall certify by Writing under their Hands and Seals, or the Hands and Seals of any Three of them, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, the Amount of the Principal and Interest so remaining unpaid to the said Governor and Company, from time to time; after the several Times when any such Sum or Sums ought to have been respectively paid and satisfied as is aforesaid; and thereupon it shall and may be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, from time to time, to issue One or more Exchequer Bill or Exchequer Bills, for the Amount of any such Deficiency or Deficiencies, as the same shall from time to time arise, to pass current at the End of One Year after the Date of such Exchequer Bills respectively, payable to the said Governor and Company of the Bank of *Ireland*, with Interest from the Date thereof at the Rate of Five Pounds *per Centum per Annum*, and it shall be lawful for the said Governor and Company to receive the same: Provided always, that whatever Monies shall be afterwards received by the said Commissioners for the Execution of the said Acts and this Act, from the Parties to whom any such Sum or Sums shall have been advanced on account of any Sums so deficient, and in respect of which such Exchequer Bills shall be issued as aforesaid, shall be paid by the said Commissioners into the Receipt of the Exchequer of *Ireland*, and shall be carried to and made Part of the Consolidated Fund of the United Kingdom.

Proviso for Payment into Exchequer of Ireland, &c.

CAP.

CAP. CXIX.

An Act to regulate the Trade of the Provinces of *Lower* and *Upper Canada*, and for other Purposes relating to the said Provinces. [5th *August* 1822.]

'WHEREAS it is expedient to make further Regulation respecting the Trade of the Provinces of *Upper* and *Lower Canada*, in *North America*:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall be lawful to import by Land or Inland Navigation in any *British* or *American* Vessel or Vessels, Boat or Boats, Carriage or Carriages, the Goods, Wares and Commodities the Growth, Produce or Manufacture of the United States of *America*, enumerated in the Schedule or Table annexed to this Act marked (A.), from any Port or Place in the United States of *America*, into any Port or Place of Entry at which a Custom House now is or hereafter may be lawfully established, in either of the Provinces of *Upper* and *Lower Canada*: Provided always nevertheless, that it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of either of the said Provinces respectively, by and with the Advice and Consent of the Executive Council thereof for the time being, from time to time to diminish or increase by Proclamation, the Number of Ports or Places which are or hereafter may be appointed in such Province for the Entry of Goods, Wares and Commodities imported from the United States of *America*.

Goods of the United States in Schedule (A.) may be imported into Upper and Lower Canada;

Governor may diminish or increase Ports of Entry.

II. And be it further enacted, That from and after the passing of this Act, there shall be raised, levied, collected and paid unto His Majesty, His Heirs and Successors, for and upon such of the Goods, Wares and Commodities which shall be so imported, as are enumerated in the Schedule or Table annexed to this Act marked (B.), the several Duties of Customs as the same are respectively inserted or described and set forth in Figures in the said Schedule.

Duties to be paid on Goods in Schedule (B.)

III. Provided always, and be it further enacted, That if upon the Importation of any Article charged with Duty by this Act, the said Article shall also be liable to the Payment of Duty under the Authority of any Colonial Law, equal to or exceeding in Amount the Duty charged by this Act, then and in such Case the Duty charged upon such Article by this Act shall not be demanded or paid upon the Importation of such Article: Provided also, that if the Duty payable under such Colonial Law shall be less in Amount than the Duty payable by this Act, then and in such case the Difference only between the Amount of the Duty payable by this Act, and the Duty payable under the Authority of such Colonial Laws, shall be deemed to be the Duty payable by this Act; and the same shall be collected and paid in such and the like manner, and appropriated and applied to such and the like Uses, as the Duties specified in the said Schedule annexed to this Act marked (B.) are directed to be collected, paid, appropriated and applied.

In what Case Article free from Colonial Duty;

In what Case Difference paid.

IV. And be it further enacted, That the same Tonnage Duties shall be paid upon all *American* Vessels or Boats, importing any Goods

Proviso respecting Tonnage,

Duties on American Vessels.

Goods into either of the said Provinces, as are or may be for the time being payable in the United States of *America*, on *British* Vessels or Boats entering the Harbours of the State from whence such Goods shall have been imported.

Value of Goods subject to ad-valorem Duty, ascertained by c. 44. § 9. ante.

V. And be it further enacted, That in all Cases in which the Duties imposed by this Act upon the Importation of Articles into the said Provinces, or either of them, are charged, not according to the Weight, Gauge or Measure, but according to the Value thereof, such Value shall be ascertained in the Mode prescribed by an Act passed in this present Session of Parliament, intituled *An Act to regulate the Trade between His Majesty's Possessions in* America *and the* West Indies, *and other Places in* America *and the* West Indies.

If Payment of Duties refused, Collector may secure Goods, and sell.

VI. And be it further enacted, That if the Importer or Proprietor of such Articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector or other Chief Officer of the Customs where such Articles shall be imported, and he is hereby respectively required, to take and secure the same, with the Casks or other Package thereof, and to cause the same to be publicly sold, within the Space of Twenty Days at the most after such Refusal made, and at such Time and Place as such Officer shall, by Four or more Days public Notice, appoint for that Purpose; which Articles shall be sold to the highest Bidder; and the Money arising from the Sale thereof shall be applied to the Payment of the said Duties, together with the Charges which shall have been occasioned by the said Sale, and the Overplus (if any) shall be paid to such Importer, Proprietor or any other Person authorized to receive the same.

After Payment of Duty, Overplus paid to Importer.

28 G. 3 c. 39.

'VII. And Whereas a certain Act made and passed in the Twenty eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to allow the Importation of Rum and other Spirits from His Majesty's Colonies or Plantations in the* West Indies *into the Province of* Quebec, *without Payment of Duty, under certain Conditions and Restrictions*, has been repealed during the present Session of Parliament: And Whereas Doubts may be entertained whether a certain other

49 G. 3. c. 16. allowing the Importation of Rum.

Act, passed in the Forty ninth Year of His said late Majesty's Reign, intituled *An Act to allow the Importation of Rum and other Spirits from the Island of* Bermuda *into the Province of* Lower Canada, *without Payment of Duty, on the same Terms and Conditions as such Importation may be made directly from His Majesty's Sugar Colonies in the* West Indies, might not still remain in force, notwithstanding the Repeal of the said first mentioned Act:' Be it therefore enacted and declared, That the said last mentioned Act shall be and the same is hereby repealed.

Repealed.

'VIII. And Whereas it is expedient to afford Protection to the Trade between the said Colonies and Plantations and the Province of *Lower Canada*, by imposing the same Duty upon Rum or other Spirits, the Produce or Manufacture of the said Colonies, imported from *Great Britain* into the said Province, as is now payable upon the same Articles when imported from His Majesty's said Colonies or Plantations in the *West Indies*;' Be it therefore enacted, That from and after the passing of this Act, there shall be raised, levied, collected and paid unto His Majesty, His

Additional Duty on West India Rum im-

His Heirs and Successors, for and upon every Gallon of Rum or other Spirits, the Produce or Manufacture of any of His Majesty's Islands, Colonies or Plantations in the *West Indies*, which shall be imported or brought into any Part of the said Province of *Lower Canada* from *Great Britain* or *Ireland*, or any of the *British* Dominions in *Europe*, the Sum of Six Pence over and above all other Duties now or hereafter to be made payable thereon in the said Province.

ported into Lower Canada from U. K. &c.

IX. And be it further enacted, That the Rates and Duties chargeable by this Act shall be deemed, and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered and paid to the Amount of the Value which such nominal Sums bear in *Great Britain*; and that such Sums may be received and taken according to the Proportion and Value of Five Shillings and Six Pence to the Ounce in Silver; and that the said Duties hereinbefore granted shall be received, levied, collected, paid and recovered in the same Manner and Form, and by such Rules, Ways and Means, and under such Penalties and Forfeitures as any other Duties payable to His Majesty upon Goods imported into the said Provinces of *Upper* and *Lower Canada*, or into either of them respectively, are or shall be raised, levied, collected, paid and recovered by any Act or Acts of Parliament, as fully and effectually to all Intents and Purposes, as if the several Clauses, Powers, Directions, Penalties and Forfeitures relating thereto were particularly repeated and again enacted in the Body of this Act; and that all the Monies which shall arise by the said Duties, (except the necessary Charges of raising, collecting, levying, recovering, answering, paying and accounting for the same) shall be paid by the Collector of His Majesty's Customs, into the Hands of His Majesty's Receiver General in the said Provinces respectively for the time being, and shall be applied to and for the Use of the Provinces of *Upper* and *Lower Canada* respectively, in such manner only as shall be directed by any Law or Laws which may be made by His Majesty, His Heirs or Successors, by and with the Advice and Consent of the Legislative Council and Assembly of each of the said Provinces respectively.

Duties in Sterling Money.

How recovered and applied.

X. And be it further enacted, That it shall be lawful to export in any *British* or *American* Vessel or Vessels, Boat or Boats, Carriage or Carriages, from any of the Ports or Places of Entry, now or hereafter to be established in the said Provinces, to any Port or Place in the United States of *America*, any Article of the Growth, Produce or Manufacture of any of His Majesty's Dominions, or any other Article legally imported into the said Provinces: Provided always, that nothing herein contained shall be construed to permit or allow the Exportation of any Arms or Naval Stores, unless a Licence shall have been obtained for that Purpose from His Majesty's Secretary of State; and in case any such Articles shall be shipped or waterborne for the Purpose of being exported contrary to this Act, the same shall be forfeited, and shall and may be seized and prosecuted as hereinafter directed.

Goods of His Majesty's Dominions may be exported to United States.

Arms and Naval Stores not exported without a Licence.

XI. And be it further enacted, That nothing in this Act contained shall be construed to interfere with or repeal, as respects the Inland Navigation of the said Provinces, any of the Provisions contained in a certain Act passed in the Seventh and Eighth Years

Proviso for Inland Navigations.

7&8 W.3. c.22. Years of the Reign of King *William*, intituled *An Act for preventing Frauds, and regulating Abuses in the Plantation Trade*; except in so far as the same are altered or repealed by this Act.

Recovery and Application of Penalties.

XII. And be it further enacted, That all Penalties and Forfeitures incurred in either of the said Provinces under this Act (except where it is otherwise provided,) shall and may be sued for and prosecuted in any Court having competent Jurisdiction within such Province respectively; and the same shall and may be recovered, divided and accounted for in the same Manner and Form, and by the same Rules and Regulations in all respects as other Penalties and Forfeitures for Offences against the Laws relating to the Customs and Trade of the said Provinces respectively, shall or may by any Act or Acts of the Legislatures of such Provinces be directed to be sued for, prosecuted, recovered, divided and accounted forwith in the same respectively.

'XIII. And Whereas it is expedient to encourage the Trade 'between *Canada* and His Majesty's Colonies of *Newfoundland*, '*Nova Scotia*, *New Brunswick* and *Prince Edward's Island*, by en-'abling the Merchants and Traders of *Newfoundland* to export 'from thence into *Canada* Rum and other Spirits, the Produce of 'the *British West India* Islands, or any of His Majesty's Colonies 'on the Continent of *South America*, free of any Duty which may 'have been imposed upon its Importation from any of the Places 'last aforesaid, and for which Purpose to allow, upon the Export 'of such Rum or other Spirits, a Drawback of the full Duties paid

Drawback on Exportation of Rum and Spirits, from Newfoundland, &c. to Canada.

'upon the Importation thereof;' Be it therefore enacted, That from and after the passing of this Act, there shall be paid and allowed, upon the Exportation from any or either of the said Colonies of *Newfoundland*, *Nova Scotia*, *New Brunswick* or *Prince Edward's Island*, into *Canada*, of Rum or other Spirits, being the Produce of the *British West India* Islands, or any of His Majesty's Colonies on the Continent of *South America*, a Drawback of the full Duties of Customs which may have been paid upon the Importation thereof from any of the Places last aforesaid, into any or either of the said Colonies of *Newfoundland*, *Nova Scotia*, *New Brunswick* or *Prince Edward's Island*, upon a Certificate being produced, under the Hands and Seals of the Collector and Comptroller of His Majesty's Customs at *Quebec*, certifying that the said Rum or other Spirits have been duly landed in *Canada*.

Certificate.

Conditions on which the Drawback to be paid.

XIV. And be it further enacted, That no Entry shall pass nor any Drawback be paid or allowed, upon the Exportation of Rum or other Spirits from any or either of the said Colonies of *Newfoundland*, *Nova Scotia*, *New Brunswick* or *Prince Edward's Island*, into *Canada*, unless such Entry be made in the Name of the real Owner or Owners, Proprietor or Proprietors of the said Goods; and that before such Owner or Owners, Proprietor or Proprietors, shall receive the said Drawback so allowed as aforesaid, One or more of them shall verify upon Oath, upon the Debenture to be made out for the Payment of such Drawback, that he or they is or are the real Owner or Owners of the said Goods; nor unless Proof on Oath shall be made to the Satisfaction of the Collector and Comptroller of His Majesty's Customs at the Port from whence the said Goods shall be so imported into *Canada*, that the full Duties due upon the Importation of the said Goods at the said Port

Port had been paid and discharged: Provided always, that in Cases where the Owners of the said Goods are resident in any other Part of the *British* Dominions, it shall be lawful for their known and established Agents in the Colonies from whence the said Goods shall be so imported into *Canada*, to take the necessary Oaths on behalf of the said Owners.

Drawback how payable.

XV. And be it further enacted, That the said Drawback shall be paid by the Collector of His Majesty's Customs at the Port from whence the said Goods shall be so imported into *Canada*, with the Consent of the Comptroller there, out of any Monies in his Hands arising from the Duties of Customs.

No Drawback unless Rum be exported from Newfoundland within One Year after First Importation.

XVI. And be it further enacted, That no Drawback shall be paid and allowed as aforesaid, unless the said Rum or other Spirits shall be duly entered for Exportation with the proper Officers of the Customs, and actually shipped on board the Ship or Vessel in which the said Goods are intended to be exported, within the Space of One Year from the Time such Rum or other Spirits were originally imported into the Colony from whence it is intended to export them to *Canada*, nor unless such Drawback shall be claimed within One Year after the Goods are so shipped for Exportation.

'XVII. And Whereas since the Division of the Province of 'Quebec into the Provinces of *Lower* and *Upper Canada*, divers 'Regulations have from time to time been made, by Agreements 'concluded under the Authority of Acts passed by the Legis-'latures of the said Two Provinces respectively, concerning the 'imposing of Duties upon Articles imported into the Province of 'Lower Canada, and the Payment of Drawbacks of such Duties 'to the Province of *Upper Canada*, on account of the Proportion 'of Goods so imported into *Lower Canada*, and passing from 'thence into the said Province of *Upper Canada*, and consumed 'therein; the last of which Agreements expired on the First Day 'of *July* One thousand eight hundred and nineteen: And Whereas 'it appears by the Report of the Commissioners last appointed for 'the Purposes aforesaid, that the Province of *Upper Canada* 'claims certain Arrearages from the Province of *Lower Canada*, 'on account of such Drawbacks, which Claims are not admitted 'on the Part of the Province of *Lower Canada*; and it further 'appears by the Report of the said Commissioners, appointed on 'behalf of both Provinces for the Purposes aforesaid, that they 'have failed to establish any Regulation for the Period beyond 'the First Day of *July* One thousand eight hundred and nineteen, 'by reason that they could not agree upon the Proportion of 'Duties to be paid to *Upper Canada* by way of Drawbacks:'

Regulations as to settling Proportions of Duties and Drawbacks between the Provinces, by Arbitrators.

For Remedy of the Inconvenience occasioned by the Suspension of the said Agreement, and for the satisfactory Investigation and Adjustment of the said Claims, be it enacted, That it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of each of the said Provinces of *Upper* and *Lower Canada*, so soon as conveniently may be after the passing of this Act, to appoint, by Commission under the Great Seal of his respective Province, One Arbitrator; and that the said Arbitrators so appointed shall have Power, by an Instrument under their Hands and Seals, to appoint a Third Arbitrator; and in case of their not agreeing in such Appointment within One Month

Month from the Date of the Appointment of the Arbitrators so directed to be made on the Part of the respective Provinces, or the last thereof if the said Appointments shall not be made on the same Day, His Majesty, His Heirs or Successors, shall have Power, by an Instrument under His Sign Manual, to appoint such Third Arbitrator, who (if appointed in manner last mentioned) shall not be an Inhabitant of either of the said Provinces; and that the Three Arbitrators so appointed as aforesaid, shall have Power to hear and determine all Claims of the Province of *Upper Canada* upon the Province of *Lower Canada*, on account of Drawbacks or Proportion of Duties under Agreements made and ratified by the Authority of the Legislatures of the said Two Provinces, according to the fair Understanding and Construction of the said Agreements; and also to hear any Claim which may be advanced on the Part of the Province of *Upper Canada*, to a Proportion of Duties heretofore levied in *Lower Canada* under *British* Acts of Parliament, the Division of which Duties shall not have been embraced within the Terms of any Provisional Agreement, and to report the Particulars of any such Claim, with the Evidence thereupon, to the Lords Commissioners of His Majesty's Treasury for the time being; and if it shall appear to the Commissioners of His Majesty's Treasury that any Sum is justly due from the Province of *Lower Canada* to the Province of *Upper Canada* on account of such last mentioned Claim, they shall signify the same, together with the Amount, to the Governor or Person administering the Government of the Province of *Lower Canada* for the time being, who shall thereupon issue his Warrant upon the Receiver General of *Lower Canada*, to pay such Amount to the Receiver General of *Upper Canada*, in full Discharge of any such Claims.

Umpire appointed by His Majesty.

Arbitrators to report to Treasury.

Arbitrators may send for Persons and Records.

XVIII. And be it further enacted, That the said Arbitrators shall have Power to send for and examine such Persons, Papers and Records as they shall judge necessary for their Information in the Matters referred to them; and that if any Person or Persons shall refuse or neglect to attend the said Arbitrators, or to produce before them any Papers or Documents, having been duly served in either Province with reasonable Notice in Writing for that Purpose, he, she or they shall forfeit and pay the Sum of Fifty Pounds, to be recovered by Bill, Plaint or Information, in any Court having competent Jurisdiction within the Province in which such Person usually resides, to be applied towards the Support of the Civil Government of the said Province, and to be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury for the time being, in such Manner and Form as it shall please His Majesty to direct.

Persons refusing, Penalty, 50l.

Witnesses to be sworn.

XIX. And be it further enacted, That the Witnesses to be produced before the said Arbitrators, if it is desired by either of the said Arbitrators, shall and may be sworn before any of His Majesty's Justices of the Peace within either of the said Provinces, or before any One of the said Arbitrators, who are hereby empowered, jointly or severally, to administer such Oath; and that if any Person shall, in any such Oath so taken as aforesaid, wilfully forswear himself, he shall be deemed guilty of wilful and corrupt Perjury.

False swearing, Perjury.

XX. And

Appointing Arbitrators on Vacancies.

XX. And be it further enacted, That in case of the Death, Removal or Incapacity of either of the said Arbitrators before making an Award, or in case the Third Arbitrator chosen or appointed as aforesaid shall refuse to act, another shall be appointed in his Stead, in the same manner as such Arbitrator so dead, removed or become incapable or refusing to act as aforesaid, was originally appointed; and that in case a Third Arbitrator shall be appointed by His Majesty as hereinbefore mentioned, it shall and may be lawful for the Governor in Chief in and over the said Provinces, to determine the Amount of Remuneration to be paid to such Arbitrator, which Amount shall be defrayed in equal Proportions by each Province, and shall be paid by Warrants, to be issued for that Purpose by the Governor, Lieutenant Governor or Person administering the Government of each Province, upon the Receiver General thereof respectively.

Award of Arbitrators final.

XXI. And be it further enacted, That the Award of the Majority of the said Arbitrators, so far as the same shall be authorized by this Act, shall be final and conclusive as to all Matters therein contained; and that if either of the Arbitrators nominated by the Governor, Lieutenant Governor or Person administering the Government of either of the said Provinces, shall refuse or neglect to attend, on due Notice being given, the Two remaining Arbitrators may proceed to hear and determine the Matters referred to them, in the same manner as if he were present.

Two may proceed.

Award certified to Treasury and Governor, &c. of the Provinces.

XXII. And be it further enacted, That the said Arbitrators, or a Majority of them as hereinbefore mentioned, shall certify the Award to be made by them in the Premises, under their Hands and Seals, to the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and to the Governor, Lieutenant Governor or Person administering the Government of each of the said Provinces; and that if any Sum be directed by the said Award to be paid to the Province of *Upper Canada* by the Province of *Lower Canada*, it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of the said Province of *Lower Canada*, and he is hereby required to issue his Warrant upon the Receiver General of the Province of *Lower Canada*, in favour of the Receiver General of the Province of *Upper Canada*, for the Sum so awarded; which Sum shall be accordingly paid by the Receiver General of *Lower Canada*, in discharge of such Warrant, and shall be accounted for by him to the Lords Commissioners of His Majesty's Treasury for the time being, in such Manner and Form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

Payment of Sum awarded.

Arbitrators may determine Claims advanced by Lower Canada upon Upper Canada.

XXIII. And be it further enacted, That the Arbitrators to be appointed under this Act shall have Power to hear and determine any Claim which may be advanced on the Part of the Province of *Lower Canada*, upon the Province of *Upper Canada*, being of the same Description as those which by this Act may be preferred to the same Arbitrators on the Part of *Upper Canada*; and that their Award thereupon shall be final and conclusive, and shall be carried into effect if the same be made in Favour of the Province of *Lower Canada*, in the same manner as is herein directed with

respect to any Award which may be made in Favour of the Province of *Upper Canada*.

Proportion of Duties arising in Lower Canada to be One fifth to Upper Canada.

XXIV. And be it further enacted, That of all Duties which have been levied in the Province of *Lower Canada* since the First Day of *July* One thousand eight hundred and nineteen, under any Act passed in the said Province, upon any Goods, Wares, Merchandize or Commodities imported by Sea into the Province of *Lower Canada*, and also of all Duties, which after the passing of this Act, and before the First Day of *July* One thousand eight hundred and twenty four, shall be levied in the Province of *Lower Canada*, under any Act passed in the said Province, upon any Goods, Wares, Merchandizes or Commodities imported by Sea into the said Province of *Lower Canada*, the Province of *Upper Canada* shall be entitled to have and receive One fifth Part as the Proportion of Duties arising and due to the said Province of *Upper Canada* upon such Importations; and that the Governor, Lieutenant Governor or Person administering the Government of the Province of *Lower Canada*, shall and may issue his Warrant forthwith upon the Receiver General of *Lower Canada*, in favour of the Receiver General of the Province of *Upper Canada*, for such Proportion of the Duties as shall have been received in the Province of *Lower Canada* before the passing of this Act, and shall and may on the First Day of *January* and the First Day of *July*, in each and every Year thereafter, issue his Warrant upon the Receiver General of *Lower Canada* in like manner, for the Payment to the Receiver General of *Upper Canada*, of such Sum as may be then ascertained to be due on account of the said Proportion, according to the Provisions of this Act.

After July 1, 1824, proportions of Duties to be awarded by Arbitrators as hereinbefore mentioned.

XXV. And be it further enacted, That immediately after the said First Day of *July* One thousand eight hundred and twenty four, the Proportion to be paid to *Upper Canada* for the Four Years next succeeding, of Duties levied in the Province of *Lower Canada*, under the Authority of any Act or Acts passed or to be passed therein, upon Goods, Wares and Commodities imported therein by Sea, shall and may be ascertained by the Award of Arbitrators, to be appointed in the same manner and with the same Powers as hereinbefore provided with respect to the Arbitrators to whom the Question of Arrears is to be referred, and that Arbitrators shall in like manner be appointed, and an Award made Once after every Four Years thereafter, for the Purpose of establishing such Proportion from time to time; and all and every the Provisions contained in this Act, respecting the Appointment, Powers and Remuneration of the Arbitrators to be first appointed after the passing thereof, and regarding the Execution of their Duty, shall apply and extend to the Arbitrators to be appointed for the Purposes last herein mentioned.

Award to be made every Four Years.

Proportion hereby established to be paid, until a new one is made.

XXVI. And be it further enacted, That after the said First Day of *July* One thousand eight hundred and twenty four, and until a new Proportion of Duties, to be paid to *Upper Canada*, shall be established, as hereinbefore provided, and also at all times hereafter, in default of any such Proportion being appointed, the Proportion of Duties last assigned to be paid to *Upper Canada* under the Authority of this Act, shall continue to be paid by the Province

vince of *Lower Canada*, and Warrants shall issue for the Payment of the same, in the same manner as for the Period before the same First Day of *July* One thousand eight hundred and twenty four: Provided always, that it shall be in the Power of the Arbitrators nevertheless, by their subsequent Award, to alter such Proportion from the Period for which it was last established, if it shall appear to them just so to do. Proviso.

'XXVII. And Whereas by a certain Act of the Parliament of 14 G. 3. c. 88. § 1, 2.
'*Great Britain* passed in the Fourteenth Year of His late Majesty's
'Reign, intituled *An Act to establish a Fund towards farther de-*
'*fraying the Charges of the Administration of Justice and Support*
'*of the Civil Government within the Province of* Quebec *in* Ame-
'rica, certain Duties were imposed upon Goods and Commodities
'imported into the said Province, which Duties are by the said
'Act directed to be applied, under the Authority of the Lord High
'Treasurer, or Commissioners of His Majesty's Treasury, in
'making a more certain and adequate Provision towards defray-
'ing the Expence of the Administration of Justice, and the Sup-
'port of the Civil Government in the said Province of *Quebec*;
'and since the Division of the said Province of *Quebec* into the
'Provinces of *Upper* and *Lower Canada*, it has been contended,
'on behalf of the said Provinces, that the Proceeds of such Duties
'should be distributed between the said Two Provinces in pro-
'portion to the Amount of Expences defrayed by each respec-
'tively towards the Administration of Justice and the Support of
'its Civil Government, and not in proportion to the estimated
'Consumption within either Province of the Articles upon which
'such Duties shall have been paid;' Be it therefore enacted, That it shall be lawful for the Arbitrators to be appointed, from time to time, for the Purpose of establishing the Proportion which shall be paid to *Upper Canada*, of such Duties as now are, or hereafter may be imposed, by Acts passed in the Province of *Lower Canada*, to receive the Claims in behalf of each Province with respect to its Proportion of Duties levied under the said Act passed in the Fourteenth Year of His said late Majesty's Reign, since the Expiration of the last Provisional Agreement heretofore ratified between the said Two Provinces, or which may hereafter be levied under the Authority of the said Act, upon Goods and Commodities imported into *Lower Canada*, and to report the same, with the Evidence thereon, to the Lords Commissioners of His Majesty's Treasury for the United Kingdom of *Great Britain* and *Ireland* for the time being, in order that they may make such Order respecting the Proportion in which the same shall be expended within each of the said Provinces respectively, for the Purposes mentioned in the said Act, as to them shall seem meet: Provided always nevertheless, that until such Order shall be made by the Lords Commissioners of His Majesty's Treasury as aforesaid, the Proceeds of such Duties shall be distributed in the same Proportion between the said Two Provinces, as the Duties levied under the Provincial Acts of the Province of *Lower Canada* within the same Period, subject nevertheless to be increased or diminished, as respects either of the said Provinces, by any subsequent Order of the said Lords Commissioners, extending to the Period for which no such Order had before been made.

Arbitrators to receive Claims from Provinces in respect of Proportions of Duties, and report same, with the Evidence to the Treasury.

Proviso for Proceedings until Order made by Treasury.

'XXVIII. And Whereas the Division of the Province of *Quebec*, into the Two Provinces of *Upper* and *Lower Canada*, was intended for the common Benefit of His Majesty's Subjects residing within both of the newly constituted Provinces, and not in any manner to obstruct the Intercourse or prejudice the Trade to be carried on by the Inhabitants of any Part of the said late Province of *Quebec* with *Great Britain*, or with other Countries; and it has accordingly been made a Subject of mutual Stipulation between the said Two Provinces, in the several Agreements which have heretofore subsisted, that the Province of *Upper Canada* should not impose any Duties upon Articles imported from *Lower Canada*, but would permit and allow the Province of *Lower Canada* to impose such Duties as they might think fit, upon Articles imported into the said Province of *Lower Canada*; of which Duties a certain Proportion was by the said Agreements appointed to be paid to the Province of *Upper Canada*: And Whereas in consequence of the Inconveniences arising from the Cessation of such Agreements as above recited, it has been found expedient to remedy the Evils now experienced in the Province of *Upper Canada*, and to guard against such as might in future arise from the Exercise of an exclusive Controul, by the Legislature of *Lower Canada*, over the Imports and Exports into and out of the Port of *Quebec*; and it is further expedient, in order to enable the said Province of *Upper Canada* to meet the necessary Charges upon its ordinary Revenue, and to provide with sufficient certainty for the Support of its Civil Government, to establish such Controul as may prevent the Evils which have arisen or may arise from the Legislature of *Lower Canada* suffering to expire unexpectedly, or repealing suddenly, and without affording to *Upper Canada* an Opportunity of Remonstrance, existing Duties, upon which the principal Part of its Revenue, and the necessary Maintenance of its Government may depend;' Be it therefore enacted,

Duties imposed by Lower Canada to remain in force till repealed or altered by a Legislative Act of that Province.

That all and every the Duties which, at the Time of the Expiration of the last Agreement between the said Provinces of *Upper* and *Lower Canada*, were payable under any Act or Acts of the Province of *Lower Canada*, on the Importation of any Goods, Wares or Commodities into the said Province of *Lower Canada* (except such as may have been imposed for the Regulation of the Trade by Land or Inland Navigation, between the said Province and the United States of *America*), shall be payable and shall be levied according to the Provisions contained in any such Acts, until any Act or Acts for repealing or altering the said Duties, or any Part thereof respectively, shall be passed by the Legislative Council and Assembly of the said Province of *Lower Canada*, and until such Act or Acts, repealing or altering such Duties, shall, after a Copy thereof has been transmitted to the Governor, Lieutenant Governor, or Person administering the Government of the Province of *Upper Canada*, be laid before both Houses of the Imperial Parliament, according to the Forms and Provisions contained in a certain Act of the Parliament of *Great Britain*, passed in the Thirty first Year of the Reign of His said late Majesty, intituled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for*

31 G.3. c.31.

'making

'*making more effectual Provision for the Government of the Pro-*
'*vince of* Quebec, *in* North America,' *and to make further Provision for the Government of the said Province*, and the Royal Assent thereto proclaimed within the Province of *Lower Canada*, according to the Provisions of the said last mentioned Act.

No Act of Legislature of Lower Canada, imposing Duties affecting Upper Canada valid, until laid before Parliament.

XXIX. And be it further enacted, That from and after the passing of this Act, no Act of the Legislature of the Province of *Lower Canada*, whereby any additional or other Duties shall or may be imposed on Articles imported by Sea into the said Province of *Lower Canada*, and whereby the Province of *Upper Canada* shall or may in any respect be directly or indirectly affected, shall have the Force of Law until the same shall have been laid before the Imperial Parliament, as provided in certain Cases by the said Act passed in the Thirty first Year of His said late Majesty's Reign, and the Royal Assent thereto published by Proclamation in the said Province of *Lower Canada*, a Copy of such Act having, within One Month from the Time of presenting the same for the Royal Assent in the said Province, been transmitted by the Governor, Lieutenant Governor or Person administering the Government of the Province of *Lower Canada*, to the Governor, Lieutenant Governor or Person administering the Government of the Province of *Upper Canada*: Provided always nevetheless, that it shall not be necessary to transmit any such Act to be laid before the Imperial Parliament, if, before the same shall have been presented for the Royal Assent within the said Province of *Lower Canada*, the Legislative Council and House of Assembly of the said Province of *Upper Canada* shall, by Address to the Governor, Lieutenant Governor or Person administering the Government of the said Province of *Upper Canada*, pray that their Concurrence in the Imposition of the Duties intended to be imposed by such Act may be signified to the Governor, Lieutenant Governor or Person administering the Government of the said Province of *Lower Canada*.

Proviso.

Boats &c. of His Majesty's Subjects may go from Upper Canada into Lower Canada, not laden with Foreign Productions, without being subject to Duty.

'XXX. And Whereas it is expedient that the Productions of 'the Province of *Upper Canada* should be permitted to be ex-'ported without being made subject by any Act of the Province 'of *Lower Canada*, either directly or indirectly, to Duties or Im-'positions on their Arrival in that Province, or in passing through 'the Waters thereof:' Be it enacted, That from and after the passing of this Act, all and every the Boats, Scows, Rafts, Cribs and other Craft belonging to any of His Majesty's Subjects, and coming from the Province of *Upper Canada* into the Province of *Lower Canada*, not laden with the Productions of any Foreign Country, shall be allowed freely to pass into and through the said Province, and shall not be subject to any Rate, Tax, Duty or Imposition, other than any Charge which may now exist for Pilotage, or which may now be established for Toll at any Lock or other Work now actually erected on the navigable Waters thereof; any Law, Statute or Usage of the Province of *Lower Canada* to the contrary notwithstanding; and that the Expence of improving the Navigation of the Waters of the River *Saint Lawrence* shall in future be defrayed by such Measures and in such Proportions as the Arbitratros to be appointed under the Provisions of this Act

Expences of improving the St. Lawrence, how paid.

shall determine, upon the Prayer of either Province: Provided always, that no such Determination shall be carried into effect until sanctioned and enacted by the Legislatures of both of the said Provinces.

Lands held in Fief and Seignory may, on Petition of Owners to His Majesty, &c. be changed to the Tenure of free and common Soccage.

'XXXI. And Whereas Doubts have been entertained whether 'the Tenures of Lands within the said Provinces of *Upper* and '*Lower Canada* holden in Fief and Seignory can legally be 'changed: And Whereas it may materially tend to the Improve-'ment of such Lands, and to the general Advantage of the said 'Provinces, that such Tenures may henceforth be changed in man-'ner hereinafter mentioned:' Be it therefore further enacted and declared, That if any Person or Persons holding any Lands in the said Provinces of *Lower* and *Upper Canada*, or either of them, in Fief and Seignory, and having legal Power and Authority to alienate the same, shall at any Time from and after the Commencement of this Act, surrender the same into the Hands of His Majesty, His Heirs or Successors, and shall by Petition to His Majesty, or to the Governor, Lieutenant Governor or Person administering the Government of the Province in which the Lands so holden shall be situated, set forth that he, she or they is or are desirous of holding the same in free and common Soccage, such Governor, Lieutenant Governor or Person administering the Government of such Province as aforesaid in pursuance of His Majesty's Instructions, transmitted through his Principal Secretary of State for Colonial Affairs, and by and with the Advice and Consent of the Executive Council of such Province, shall cause a fresh Grant to be made to such Person or Persons of such Lands to be holden in free and common Soccage, in like manner as Lands are now holden in free and Common Soccage in that Part of *Great Britain* called *England;* subject nevertheless to Payment to His Majesty, by such Grantee or Grantees, of such Sum or Sums of Money as and for a Commutation for the Fines and other Dues which would have been payable to His Majesty under the original Tenures, and to such Conditions as to His Majesty, or to the said Governor, Lieutenant Governor or Person administering the Government as aforesaid, shall seem just and reasonable:

Proviso.

Provided always, that on any such fresh Grant being made as aforesaid, no Allotment or Appropriation of Lands for the Support and Maintenance of a Protestant Clergy shall be necessary; but every such fresh Grant shall be valid and effectual without any Specification of Lands for the Purpose aforesaid; any Law or Statute to the contrary thereof in any wise notwithstanding.

His Majesty may commute with Persons holding Lands at Cens et Rentes.

XXXII. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, to commute with any Person holding Lands at *Cens et Rentes* in any Censive or Fief of His Majesty within either of the said Provinces, and such Person may obtain a Release from His Majesty of all feudal Rights arising by reason of such Tenure, and receive a Grant from His Majesty, His Heirs or Successors, in free and common Soccage, upon Payment to His Majesty of such Sum of Money as His Majesty, His Heirs or Successors, may deem to be just and reasonable, by reason of the Release and Grant aforesaid; and all such Sums of Money as shall be paid upon any Commu-

Commutations made by virtue of this Act shall be applied towards the Administration of Justice and the Support of the Civil Government of the said Province.

In Action for executing Act.

XXXIII. And be it further enacted, That if any Person or Persons shall be sued or prosecuted for any thing done or to be done in pursuance of this Act, such Person or Persons may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, shall become Nonsuit, or forbear the Prosecution, or discontinue his, her or their Action, or if a Verdict shall pass against him, her or them, the Defendant shall have treble Costs, and shall have the like Remedy for the same as in Cases where Costs are by Law given to Defendants.

General Issue.

Treble Costs.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Asses.	Flax.	Indigo.	Rye.
Barley.	Fruit and Vegetables.	Live Stock of any Sort.	Rice.
Beans.	Fustick and all Sorts of Wood for Dyers' Use.	Lumber.	Staves.
Biscuit.	Flour.	Logwood.	Skins.
Bread.	Grain of any Sort.	Mahogany, and other Wood for Cabinet Wares.	Shingles.
Beaver and all Sorts of Fur.	Garden Seeds.	Masts.	Sheep.
Bowsprits.	Hemp.	Mules.	Tar.
Calavances.	Heading Boards.	Neat Cattle.	Tallow.
Cocoa.	Horses.	Oats.	Tobacco.
Cattle.	Hogs.	Pease.	Turpentine.
Cochineal.	Hides.	Potatoes.	Timber.
Coin and Bullion.	Hay.	Poultry.	Tortoiseshell.
Cotton Wool.	Hoops.	Pitch.	Wool.
Drugs of all Sorts.	Hardwood or Mill Timber.		Wheat.
Diamonds & Precious Stones.			Yards.

SCHEDULE (B.)

	£. s. d. Sterling.
Barrel of Wheat Flour, not weighing more than 196 lbs. net Weight	0 5 0
Barrel of Biscuit, not weighing more than 196 lbs. net Weight	0 2 6
For every Cwt. of Biscuit	0 1 6
For every 100 lbs. of Bread, made from Wheat or other Grain, imported in Bags or Packages	0 2 6
For every Barrel of Flour, not weighing more than 196 lbs. made from Rye, Peas or Beans	0 2 6
For every Bushel of Peas, Beans, Rye or Calavances	0 0 7
Rice, for every 100 lbs. net Weight	0 2 6
For every 1,000 Shingles, called Boston Chips, not more than 12 Inches in Length	0 7 0

SCHEDULE (B.)—*continued.*

	£. s. d. Sterling.
For every 1,000 Shingles, being more than 12 Inches in Length	0 14 0
For every 1,000 Red Oak Staves - - - -	1 1 0
For every 1,000 White Oak Staves or Headings - -	0 15 0
For every 1,000 Feet of White or Yellow Pine Lumber, of One Inch Thick - - - - - - -	1 1 0
For every 1,000 Feet of Pitch Pine Lumber - -	1 1 0
Other Kinds of Wood and Lumber, per 1000 Feet - -	1 8 0
For every 1,000 Wood Hoops - - - -	0 5 3
Horses, for every 100*l.* of the Value thereof - - -	10 0 0
Neat Cattle, for every 100*l.* of the Value thereof - -	10 0 0
All other Live Stock, for every 100*l.* of the Value thereof -	10 0 0

CAP. CXX.

An Act to defray the Charge of the Pay, Clothing and contingent Expences of the Disembodied Militia in *Great Britain*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Quartermasters, Surgeons, Surgeons' Mates and Serjeant Majors of Militia, until the Twenty fifth Day of *March* One thousand eight hundred and twenty three. [5th *August* 1822.]

[*This Act is the same as* 1 & 2 *G.* 4. *c.* 42. *except as to Dates.*]

CAP. CXXI.

An Act to defray, until the Twenty fifth Day of *June* One thousand eight hundred and twenty three, the Charge of the Pay and Clothing of the Militia of *Ireland*; and for making Allowances to Officers and Quartermasters of the said Militia during Peace. [5th *August* 1822.]

[*This Act is the same as* 1 & 2 *G.* 4. *c.* 43. *except as to Dates.*]

CAP. CXXII.

An Act for raising the Sum of Sixteen millions five hundred thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and twenty two. [5th *August* 1822.]

" TREASURY may raise 16,500,000l. by Exchequer Bills in like " manner as is prescribed by 48 G. 3. c. 1.—§ 1. Clauses, &c. in " recited Act extended to this Act. § 2. Treasury to apply the " Money raised. § 3. Exchequer Bills to be payable out of the " Supplies for next Session. § 4. Interest 3½ *per Cent. per Diem.* " § 5. Exchequer Bills to be current at the Exchequer after 5th " *April* 1823.—§ 6. Bank of *England* may advance 12,000,000l. " on the Credit of this Act notwithstanding the Act of 5 & 6 W. & " M. c. 20.—§ 7.

CAP.

CAP. CXXIII.

An Act to amend an Act of the First Year of His present Majesty, for the Relief of Insolvent Debtors in *England*.

[6th *August* 1822.]

'WHEREAS an Act passed in the First Year of His present Majesty's Reign, intituled *An Act for the Relief of Insolvent Debtors in* England, *to continue in force until the First Day of* June *One thousand eight hundred and twenty five;* and it is expedient to amend the same in the manner hereinafter mentioned;' Be it therefore enacted and declared, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Provisional Assignee of the Court for Relief of Insolvent Debtors, to take possession himself, or by means of a Messenger of the said Court, or other Person or Persons appointed by him, of all the Real and Personal Estate and Effects of every such Prisoner as shall subscribe such Petition and execute such Conveyance and Assignment, as in the said recited Act mentioned; and, if the said Court shall so order, to sell or otherwise dispose of such Goods, Chattels and Personal Estate, or any Part thereof, and if the Court shall so order, of the Real Estate of such Prisoner, according to the Provisions of the said recited Act, for the Purposes of the said recited Act, and out of the Proceeds of such Real or Personal Estate to defray, in the first Place, all such Costs and Expences of taking Possession of or seizing and selling the same, as shall be allowed by the said Court, and account for the Produce thereof to the said Court; and all and every the Real or Personal Estate, Money and Effects vested in or possessed by such Provisional Assignee by virtue of the said recited Act or this Act, shall not remain in him, if he shall resign or be removed from his Office, or in his Heirs, Executors or Administrators, in case of his Death, but shall, in every such Case, go to and be vested in his Successor in Office.

1 G.4. c.119.

Provisional Assignee to take possession of Estate, &c. conveyed to him; and out of the Proceeds to pay the Expences of taking possession.

Property vested in him to go to Successor.

II. And be it further enacted, That it shall be lawful for the Provisional Assignee to sue in his own Name, if the said Court shall so order, for the recovery, obtaining and enforcing of any Estate, Debts, Effects or Rights of any such Prisoner; and in case of the Dismission of the Petition of any such Prisoner praying for his Discharge, which the said Court is hereby empowered to dismiss, whenever it shall seem fit, all the Acts done before such Dismission by the said Provisional Assignee, or other Persons acting under his Authority, according to the Order of the said Court, shall be good and valid.

Provisional Assignee to sue in his own name.

Acts before Dismissal of Petition valid.

'III. And Whereas it is enacted by the said recited Act, that 'when the said Court shall adjudge any Prisoner to be entitled to 'his Discharge, such Court shall appoint a proper Person or Per-'sons to be Assignee or Assignees of the Estate and Effects of 'such Prisoner, for the Purposes of the said recited Act;' It is hereby further declared and enacted, That it shall and may be lawful for the said Court, as often as it shall see cause, for the better preserving and securing the Property of any Prisoner, to appoint

1 G.4. c.119. § 7.

Court may appoint an Assignee at any Time after filing Petition.

appoint at any Time after the filing of such Prisoner's Petition, and before the said Court shall adjudge him entitled to his Discharge, as well as after such Adjudication, One or more Assignee or Assignees of the Estate and Effects of such Prisoner, for the Purposes aforesaid; and when such last mentioned Assignee or Assignees shall have signified to the said Court his or their Acceptance of the last mentioned Appointment, every such Prisoner's Estate, Effects, Rights and Powers vested in such Provisional Assignee as aforesaid, shall immediately be assigned by such Provisional Assignee to such last mentioned Assignee or Assignees, in trust, for the Benefit of such last mentioned Assignee or Assignees and the rest of the Creditors of every such Prisoner, in respect of or in proportion to their respective Debts, according to the Provisions of the said recited Act; and the Assignee or Assignees of every such Prisoner, at any Time appointed, shall be and is and are hereby empowered to use and exercise all the Powers, Authorities, Rights and Duties, and shall be subject to all the Duties, Liabilities and Punishments, given or ordained by this or the said recited Act with respect to the Provisional or other Assignee or Assignees of any Prisoner; and in all Cases after Assignment by the Provisional Assignee, all the Estate and Effects of every such Prisoner shall be, to all Intents and Purposes, as effectually and legally vested by relation in all and every such Assignee or Assignees, as if the First Assignment had been made by such Prisoner to him or them; but no Act done under or by virtue of such First Assignment shall be thereby rendered void or defeated, but shall remain as valid as if no such relation had taken place.

All Assignees may exercise Powers given to Provisional Assignee.

Assignment to Assignees to vest from Time of First Assignment.

Court may charge Assignees with Interest, as herein mentioned, for using Money belonging to Insolvent's Estate.

IV. And be it further enacted, That from and after the passing of this Act, in all Cases in which any Assignee or Assignees of any Insolvent's Estates shall wilfully retain in his or their Hands, or otherwise employ for his or their own Benefit, any Sum or Sums of Money Part of the Estates of such Insolvent, the said Court shall have full Power and Authority to order such Assignee or Assignees to be charged in his or their Accounts with the Estates of such Insolvents with such Sum or Sums of Money as shall be equal to the Amount of Interest computed at a Rate not exceeding Twenty Pounds *per Centum per Annum*, on all Sums of Money appearing to the said Court to be so retained or employed by him or them, for the Time or Times during which he or they shall have so retained or employed the same; and the said Court shall in pursuance of such Order charge such Assignee or Assignees in their Accounts with such Sum or Sums of Money accordingly.

Court may examine Debts, whether stated, admitted or disputed in Schedule.

V. And be it further enacted, That the said Court or the Justices acting under the Authority of the said recited Act, shall have the same Power to examine into all Debts in the Prisoner's Schedule, whether the same shall be therein stated to be admitted or disputed, or to be admitted in part and disputed in part, as is enacted by the said recited Act as to the Debts stated to be admitted therein; and shall also have Power to inquire whether any of such Debts have been improperly admitted or improperly disputed by the Prisoner with any fraudulent Intent.

Schedule referred to as

VI. And be it further enacted, That in the Adjudication of the said Court, that any Prisoner is entitled to the benefit of the said

Act, and the Order thereon, it shall not be necessary to specify the several Creditors and Persons claiming to be Creditors of such Prisoner, as required by the said recited Act, but it shall be sufficient, if the said Court shall think fit, to refer in such Order to the Schedule of such Prisoner as specifying such Creditors, or Persons claiming to be Creditors of such Prisoner, as to whom the said Court shall adjudge the said Prisoner to be entitled to the Benefit and Protection of the Act, and to be discharged forthwith; and that in all Cases where it shall appear to the said Court that any Prisoner shall have done or committed any Act for which the said Court is by the said recited Act authorized to order that such Prisoner shall not be discharged out of Custody by virtue of the said recited Act, or receive or be entitled to any Protection, until he or she shall have been in Custody at the Suit of some One or more of the Persons who were Creditors at the Time of petitioning the said Court, or had since become Creditors in respect of Debts then growing due, and from whose Claims, he or she shall be discharged by the Judgment of the said Court, for a Period or Periods not exceeding Three Years in the whole, the said Court may adjudicate thereon in the Words of the said recited Act, without naming any such One or more Creditor or Creditors in such Adjudication; and thereupon the said Insolvent shall under such Adjudication be subject and liable to be detained in Prison by his or her then detaining Creditor or Creditors, and to be arrested or charged in Custody by any of the other Creditors in his or her Schedule, until he or she shall have been in Custody for such Period or Periods in the whole as shall be specified in such Adjudication.

to Creditors instead of specifying them in Adjudication.

Court may adjudicate generally, without naming particular Creditors, &c.

Insolvent liable to be detained.

VII. And be it further enacted, That where it shall have been referred to an Officer of the said Court, or to any Examiner appointed by Justices of the Peace, by virtue of the said recited Act, to investigate the Accounts of any Prisoner, and to examine into the Truth of the Schedule of such Prisoner, or the Matters thereof, it shall be lawful for the said Court, if it shall see cause, to order all the Fees and Expences thereof, paid by any Creditor or Creditors, to be repaid to him or them out of the first Money received by the Provisional or other Assignee or Assignees of such Prisoner, from or by his Estate or Effects; and when it shall have been so referred to any Officer or Examiner, it shall be lawful for such Officer or Examiner to order the Attendance fo such Prisoner, or of any Prisoner who shall be a material or necessary Witness in any Matters so referred to such Officer or Examiner, as often as such Officer or Examiner shall think fit; and the Prisoner mentioned in such Order shall be accordingly carried before such Officer or Examiner, for which such Order shall be a sufficient Warrant; and the Keeper of the Prison or his Deputy, so carrying any Prisoner before such Officer or Examiner, shall receive for the same the Sum of Ten Shillings and no more, to be paid by the Person or Persons at whose Requisition the said Reference shall have been had, and such Officer or Examiner shall and may, under such Reference, administer Oaths, and accept the solemn Affirmation of any Person being a Quaker, and examine all Witnesses and Parties upon their Oaths or Affirmations touching all Matters relating thereto; and if

Court may order Expences of Reference to be paid out of the First Proceeds.

Prisoners to attend if required in Matters of Reference.

Fee to Keeper.

Oath administered.

Perjury.

if any Prisoner or other Person taking an Oath, or making any such Affirmation, under the Provisions of this Act, shall wilfully forswear and perjure himself or herself in any Oath to be taken under this Act, or shall make any wilful false Affirmation, and shall be lawfully convicted thereof, he or she so offending shall suffer such Punishment as by Law may be inflicted on Persons convicted of wilful and corrupt Perjury: Provided always, that no Keeper of any Prison shall be required or compelled to carry any Prisoner a greater Distance than Two Miles from his Prison, to or before such Officer or Examiner; except that the Keepers of Prisons in *Middlesex* or *London*, and of the Prisons the *King's Bench* and *Marshalsea*, and in *Horsemonger Lane*, and of and in the Borough of *Southwark* in the County of *Surrey*, shall carry their Prisoners before such Officer at the Office of the said Court, or at such other Place within the Bills of Mortality as the said Court shall direct.

Limitation as to Distance in conveying Prisoners.

Court may order Prisoners to be confined within the Walls.

VIII. And be it further enacted, That in all Cases in which the said Court shall order any Prisoner to be discharged from Custody, so soon as such Prisoner shall have been in Custody during a certain Period, or not to be discharged until he shall have been in Custody during a certain Period, according to the Provisions and Limitations in the said recited Act, the said Court may, if it shall see Cause, order such Prisoner to be confined during any such Period within the Walls of such Prison, and not within any Rules or Liberties thereof.

Sessions empowered to remand a Prisoner who refuses to be sworn, or to answer proper Questions, &c.

IX. And be it further enacted, That it shall be lawful to the Justices at their General or Quarter or Adjourned Sessions, to remand to Prison any Prisoner brought before them, who shall refuse to be sworn, or to answer upon Oath all such Questions as to the said Justices shall appear relevant and proper, or for the Purpose of amending his Schedule, or for further Examination or Hearing, and to order him to be brought before them at the same or some subsequent General or Quarter or Adjourned Sessions; and such Order shall be a sufficient Warrant ot the Keeper of the Prison wherein he shall be in Custody, to bring him before the same or such subsequent Sessions, according to the Direction thereof; and that the said Justices at Session shall certify to the said Court the said Remand, with the Cause thereof;

Sessions may compel Attendance of Witnesses and Production of Papers.

and that the said Justices shall have such and the same Powers of compelling the Attendance of Witnesses, and of requiring and compelling the Production of Books, Papers and Writings, for the Purposes of the said recited Act or this Act, as now are possessed by any of the superior Courts at *Westminster*; and the Clerk of the Peace, who is hereby authorized to issue such Subpœnas as may be requisite, and in each of which the Names of not more than Four Persons shall be inserted, for each Subpœna, receive from the Person requiring the same the Sum of Two Shillings and Six Pence, and no more: Provided always, that nothing herein contained shall extend to the compelling of the Attendance of any Witness, unless the Party on whose Behalf such Witness shall be required to attend, shall have previously tendered such Allowance for Expences for his Attendance, as in the Judgment of the said Court or of the said Justices, at the General or Quarter or Adjourned Sessions, shall appear to be reasonable.

Expences to be previously tendered.

X. And

In case of collusive Arrest in Middlesex, London or Surrey, of Prisoner residing in another County, Affidavits may be used in opposition.

X. And be it further enacted, That where it shall appear to the Satisfaction of the said Court, that any Prisoner in actual Custody, or arrested within the Counties of *Middlesex* or *Surrey*, or the City of *London*, had, at or immediately before such Arrest, his usual Place of Abode in some other County or Place, and had been arrested in the said Counties of *Middlesex* or *Surrey*, or in the said City of *London*, it shall and may be lawful for the said Court to receive Affidavits of any Creditor or Creditors, or of any other Person or Persons not resident within the said Counties of *Middlesex* and *Surrey*, or the City of *London*, in opposition to the Discharge of such Prisoner under the said recited Act, and if the said Court shall think fit, to permit Interrogatories to be filed, for the Examination or Cross Examination of any Person making or joining in such Affidavit, and also to stay the Discharge of every such Prisoner, until such Interrogatories shall be fully answered, to the Satisfaction of the said Court, or until the Expiration of Six Weeks from the filing of such Interrogatories.

No Prisoner discharged as to Debt admitted in Schedule, &c. for Want of Plaintiff proceeding.

XI. And be it further enacted, That no Prisoner who shall have petitioned the said Court for Relief under and by virtue of the said recited Act, shall be discharged out of Custody as to any Action, Suit or Process in or by which he or she shall be charged or detained in Custody, for any Debt or Damages which are or shall be admitted by such Prisoner in his or her Schedule filed in the said Court under the said recited Act, or which shall be disputed therein only as to the Amount of such Debt or Damages, by or by virtue of any Supersedeas, Judgment of Nonpros or Judgment as in the Case of a Nonsuit, for want of the Plaintiff or Plaintiffs in such Action, Suit or Process proceeding therein.

1 G.4. c.119. § 4.

§ 25.

'XII. And Whereas by the Provisions in the said Act any Prisoner petitioning for the Benefit of the said Act must execute a Conveyance and Assignment of all the Estate, Right, Title, Interest and Trust of such Prisoner to all the Real and Personal Estate and Effects of such Prisoner (except as therein excepted), so as to vest all such Real and Personal Estate and Effects in the Provisional Assignee of the said Court, and the said Court is empowered to order a Judgment to be entered up against such Prisoner in one of the Superior Courts at *Westminster* for the Amount of the Debts of such Prisoner which shall at the Time of such Order remain due and unpaid, from which such Prisoner shall be discharged by the said Court; and such Prisoner is required to execute a Warrant of Attorney to authorize the entering up such Judgment: And Whereas a Married Woman being a Prisoner for Debt cannot execute such Conveyance or Assignment, or such Warrant of Attorney for the Purposes aforesaid, and therefore cannot petition for and obtain a Discharge under the said Act, without special Provision being made for such Purposes;' Be it therefore enacted, That if any Married Woman being a Prisoner within the Intent and Meaning of the said Act, shall petition to be discharged from any Debt or Debts under the Provisions of the said Act, it shall be lawful for the said Court to receive such Petition without requiring such Married Woman to execute such Conveyance or Assignment, or such Warrant as aforesaid, according to the Provisions of the said Act; but instead thereof, that the said Court shall require such Married

Petitions from Married Women for discharge received without requiring Conveyance required by recited Act; but Conveyance for

vesting Property shall be made to Provisional Assignee, &c.

Married Woman to execute a Conveyance and Assignment for vesting in such Provisional Assignee as aforesaid, all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee or other Persons or Person for her Benefit, and to deliver up all Personal Estate and Effects of which she shall have the actual Possession, except her Wearing Apparel, Bedding and other such Necessaries, not exceeding in the whole the Sum of Twenty Pounds; and also all other Real and Personal Estate and Effects to which she shall be entitled in any manner whatsoever, in Possession, Remainder or Reversion, subject only to such Right, Title or Interest as her Husband may have therein; all which Acts she is hereby empowered to do without her Husband, notwithstanding her Coverture, so nevertheless as not to prejudice any Rights of her Husband in such Real and Personal Estate and Effects respectively; and all such Estate and Effects, Real and Personal, in Possession, Reversion or Remainder, shall, by such Conveyance and Assignment so to be executed under the Order of the said Court, be as effectually vested in such Provisional Assignee as aforesaid, as the same might have been vested in such Assignee by the Conveyance or Assignment of such Woman if she had been sole and unmarried, subject only to the Rights of her Husband therein as aforesaid; and all Provisions in the said Act or in this Act contained, touching the Real and Personal Estate of any Prisoner seeking to be discharged under the Authority of the said Act, shall apply to such Real and Personal Estate and Effects respectively, in the same manner as the same would apply to such Personal Estate and Effects if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein; and such Married Woman shall also execute a Warrant of Attorney to confess Judgment in one of the Superior Courts aforesaid, for the Amount of the Debts remaining unpaid, from which she shall be discharged under the Authority of the said Act as aforesaid; and such Warrant of Attorney so executed shall be sufficient Authority for entering up Judgment against such Woman accordingly, notwithstanding her Coverture; but such Judgment shall not in any manner prejudice or affect the Rights of her Husband, except that the same shall be deemed and taken to be her Debt in case she shall die in the Lifetime of such Husband, to the End that the same may be discharged out of her Personal Assets in a due Course of Administration, or out of her Real Estate, if any she shall have at the Time of her Death, but without Prejudice to any Estate or Interest of her Husband therein as Tenant by the Curtesy; and in case such Woman shall, during the Lifetime of her Husband, become entitled to any Property for her separate Use, such Judgment may be enforced against such separate Property, by Suit in Equity or otherwise, under the Order of the said Court, for the Purpose of obtaining Payment of so much of the Debts from which such Woman shall have been discharged by such Court as shall then remain unpaid; and in case such Woman shall survive her said Husband, such Judgment may be after his death enforced against such Woman or her Property, Real and Personal, in such and the same manner and with the

Proviso for Rights of Husband.

General Provisions touching Real and Personal Estate applied to Married Women.

Proviso.

Warrant of Attorney.

How far Judgment to affect Husband.

the same effect as it might have been if she had been sole and unmarried at the Time she executed such Warrant to confess Judgment, and at the Time when such Judgment shall have been entered up as aforesaid: Provided always nevertheless, that the Discharge of any Married Woman under the Authority of the said Act or of this Act, shall not operate to discharge her Husband from any Debt from which his Wife shall be so discharged, but such Debt, so far as the same shall remain unpaid or unsatisfied, shall be chargeable upon and in force against such Husband, as fully, to all Intents and Purposes, as if his Wife had not obtained such Discharge.

How far Discharge of Married Women not to discharge Husband.

XIII. And be it further enacted, That any Prisoner who shall have been or shall be declared entitled to the Benefit of the said recited Act, and who shall have obtained or shall obtain a Discharge under the said Act, shall be discharged against every Creditor for any Sum of Money payable at any future Time or Times, who shall under the said recited Act have become entitled to a Dividend of the Estate of such Prisoner in respect to any Debt or Claim so growing due and payable, and which shall not be due or payable at or before the Time of such Prisoner obtaining his or her Discharge, in like manner, to all Intents and Purposes, as if such Debt or Claim were payable presently and not at a future Day.

Prisoners obtaining Discharge discharged against Creditors for Sums payable at a future Time.

'XIV. And Whereas by the said recited Act the said Court is 'authorized in certain Cases, upon the Application of any Cre- 'ditor of a Prisoner, to direct such Prisoner after his Discharge to 'be brought again before them, and upon due Notice to be given 'by such Creditor, to rehear the Matter, and make such further 'Order as to them shall seem fit, in Execution of the Powers in 'the said recited Act contained;' Be it further enacted, That where in any such Case the Insolvent after his Discharge shall refuse or neglect to appear before the said Court, or before the Justices at their General or Quarter or Adjourned Sessions, when the said Court shall direct the Matter to be reheard before such Justices, who are hereby authorized to rehear the same, and to make such further Order as to them shall seem fit, in Execution of the Powers in the said recited Act contained, on the Day and at the Time specified in any Rule of the said Court, a Copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for the said Court to order the said Insolvent to be apprehended and remanded into Custody, in such Prison as the said Court shall direct, and to issue their Warrant accordingly, and to cause him to be brought up for Examination as often as to the said Court or to the said Justices shall seem fit.

1 G. 4. c. 119. § 23.

Sessions may rehear, if Court so directs.

Insolvent refusing to appear, apprehended and remanded.

XV. And be it further enacted, That if any Prisoner shall have been adjudged and ordered by the Court to be discharged from Custody after a certain Period, or not to be discharged out of Custody, or receive or be entitled to any Protection under the said recited Act, until he shall have been in Custody at the Suit of certain Creditor or Creditors in such Order named, for a certain Period therein mentioned, and the said Court shall see good and sufficient Cause to believe that such Adjudication or Order has been obtained on false Evidence, or otherwise fraudulently obtained or improperly made, it shall and may be lawful for the said Court

Court may rehear and revise their Adjudication and Order, where Insolvent has been remanded for a Period.

Court to direct such Prisoner to be brought again before them, and upon due Notice to be given to the Creditor or Creditors named in the said Order, to rehear the said Matter, and set aside the said Adjudication and Order, if they shall see Cause, and to make such further Order as to them shall seem fit, in Execution of the Powers in the said recited Act contained.

An Attorney or Agent removed from the Files of the Court and practising, guilty of a Contempt.

XVI. And be it further enacted, That in case any Person having been admitted on the Files of the said Court, to practise therein as an Attorney or Agent on the Behalf of any Prisoner in actual Custody, shall be by the said Court removed from the said Files of the said Court, and shall after such Removal practise in the said Court as an Attorney or Agent, on Behalf of any Prisoner in actual Custody, he shall be deemed and taken to be guilty of a Contempt of the said Court, and shall be liable to Fine as well as Imprisonment for the same, as shall every Attorney and Agent, not admitted on the Files of the said Court, who shall practise contrary to the Provisions of the said recited Act or of this Act.

Before whom Affidavits are to be sworn.

XVII. And be it further enacted, That all Affidavits to be used before the said Court, or any Commissioner thereof, or any Justices of the Peace, or any Officer of the said Court, to whom a Reference shall be made by the said Court, or any Examiner appointed under the said recited Act, shall and may be sworn before the said Court, or any Commissioner thereof, or any Commismissioner appointed by the said Court for the Purpose of taking Affidavits, or any Master Extraordinary in Chancery, or Comsioner for taking Affidavits in any of the superior Courts of *Westminster Hall*, or in *Scotland* or *Ireland*, before a Magistrate of the County, Division, City, Town or Place, where the Affidavit shall be sworn.

Estates, &c. of Insane Persons vested on their Discharge in Provisional or other Assignees.

XVIII. And be it further enacted, That in every Case where a Prisoner shall be or become of unsound Mind, and Proceedings shall be had under the said recited Act for the Discharge of such Prisoner by the said Court, all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit and Emolument whatsoever, which if such Prisoner were of sound Mind could or ought to be assigned by such Prisoner, pursuant to the Provisions of the said recited Act or this Act, shall by force and virtue of the Order for the Discharge of such Prisoner be vested in the Provisional Assignee of the said Court, or in other Assignee or Assignees appointed by the said Court, and named in the said Order, as fully and effectually, and in the same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind, and had duly conveyed the same to such Provisional Assignee at the Time and in the Manner in the said recited Act provided; and every Assignment hitherto made in such Case by the said Court is and shall be good and effectual to all Intents and Purposes; and that it shall be lawful for the said Court to order Judgment to be entered up against such Prisoner, in the same manner as if he or she had been of sound Mind, and had executed a Warrant of Attorney to authorize the entering up of such Judgment, in the manner by the said recited Act provided.

Former Assignments good.

Court may order Judgment to be entered up.

After Assignment avoided

XIX. And be it further enacted, That when any Assignment shall

shall be avoided by a Commission of Bankrupt being issued against any Prisoner, no Action or Suit shall be commenced for any thing done under or by virtue of the said Assignment, except to recover any Property, Estate, Money or Effects of the said Bankrupt, detained after Demand thereof.

by Commission of Bankrupt, no Action to be brought. Exception.

'XX. And Whereas it may happen that Money may remain 'in the said Court, produced by the Estate and Effects of In- 'solvent Debtors who have taken the Benefit of the said recited 'Act, or some other Act for the Relief of Insolvent Debtors, 'which has not been, or may not be claimed by the Assignees 'or Creditors of such Insolvent;' Be it further enacted, That it shall and may be lawful for the said Court to cause the same, or any Part thereof, to be invested in Government Securities, and to apply the Interest and Profit arising therefrom, towards defraying the Expences of the said Court: Provided always, that no such Money shall be so invested, until the same shall have been in the Hands of the said Court for Twelve Months at the least.

Court may invest unclaimed Money.

Application thereof.

Time of Investment.

'XXI. And Whereas it is intended to erect a Building for the 'said Court in or near to *Portugal Street*, *Lincoln's Inn Fields*, 'which will be at a convenient Distance from the several Prisons 'in *London* and *Middlesex*, and from the Prisons of the *King's* 'Bench, *Marshalsea*, *Horsemonger Lane*, and of the Borough of 'Southwark, in the County of *Surrey*;' Be it further enacted, That from and after the same Court shall be erected, and ready for the Dispatch of Business therein, all Petitions and other Proceedings and Matters of all Persons confined in the said Prisons, shall be heard and determined therein, unless the said Court shall at any Time see cause to adjourn its Sittings to any other Place and shall adjourn accordingly, which it is hereby empowered to do; and that the said Keepers of the said several Prisons, or their Deputies, shall be entitled to receive the Sum of Three Shillings and no more from each Prisoner, for carrying him before the said Court, on the hearing of the Matter of his Petition and Schedule.

After Court is built in Portugal Street, all Matters to be heard there, &c.

Fee to Keepers.

XXII. And be it further enacted, That in all Rules, Orders, Warrants and other Proceedings of the said Court, under the said recited Act or this Act, or any Act for the Relief of Insolvent Debtors, it shall be sufficient to set forth such Rule, Order or Warrant, or in case of a Warrant for the Apprehension or Detention of any Person, for a Contempt in disobeying any Order or Rule of the said Court, or for the Apprehension or Detention of any Person for the Appearance of such Person before the said Court, or for the enforcing any Rule or Order of the said Court, it shall be sufficient to set forth such Rule or Order, and the Warrant thereon, and that the Insolvent in any Order, Rule, Warrant or other Proceeding mentioned, has been duly discharged under the said recited Act or this Act, or some other Act for the Relief of Insolvent Debtors, if he has been discharged, or if he has not been discharged, that the Prisoner has applied by Petition to the said Court for his or her Discharge from Confinement, according to the Provisions of the said Acts, without setting forth in any such Order, Rule, Warrant or other Proceeding, the Petition, Conveyance or Assignment to the Provisional Assignee, Appoint-

In all Rules, &c. it shall be sufficient to set out the Substance without setting out the other Proceedings.

absent from the Court in Dublin in certain Cases.

that it would be expedient that both the said Commissioners should be absent from *Dublin* in different Places at the same Time, it shall and may be lawful to and for such Commissioners or Commissioner to state such Opinion, together with the Grounds and Reasons thereof, in Writing, to the Chief Secretary or Under Secretary, for the Information of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being; and thereupon if such Lord Lieutenant, or other Chief Governor or Governors of *Ireland* shall approve thereof, and the same shall be notified in Writing to such Commissioners or Commissioner by such Chief or Under Secretary, it shall and may be lawful to and for such Commissioners to be both absent from *Dublin* at the same Time, in such Places respectively as shall be so mentioned and allowed, and for that Purpose to adjourn the said Court in *Dublin* for such Time as shall be permitted in and by such Notification; any thing in the said Act to the contrary notwithstanding.

Adjournment of Court.

1 & 2 G. 4. c. 59. § 8.

'V. And Whereas in and by the said recited Act it was provided that it should be lawful for any Prisoner in actual Custody, as therein mentioned, at any Time within Fourteen Days next after the Commencement of such actual Custody, or next after such Prisoner should have been removed to the *Marshalsea*, or within such further Time as such Court should think reasonable, to petition the said Court for his or her Discharge, as therein mentioned; and it is not reasonable, and is found inconvenient in Practice, that the Time of so petitioning should in any Degree depend on the Removal of such Prisoner to the *Marshalsea*, more especially as in case of any particular Hardships the Court has Power to afford Relief;' Be it therefore enacted, That so much of the said recited Act as permits any such Prisoner to present such Petition for his or her Discharge, within Fourteen Days after his or her Removal to the *Marshalsea*, shall be and the same is hereby repealed; and that from and after the Commencement of this Act, no Petition shall be permitted after Fourteen Days from the Commencement of the actual Custody, save under the special Order of the said Court for permitting the same as aforesaid.

Repealed.

On Taxation of Costs, Officers of Court may administer Oaths.

VI. And be it further enacted, That on the Taxation of Costs in the said Court, the proper Officer in that behalf, and in every matter of Inquiry duly referred by the said Court to any Officer or Officers thereof, any such Officer shall have full Power to administer Oaths, and to examine all Persons concerned, or who shall come or be produced before him on Oath concerning the matter of such Taxation or Inquiry respectively; and it shall and may be lawful to and for such Court to order and enforce the Attendance of Witnesses, and Production of Books, Papers, Documents and Vouchers before such Officer on such Taxation and Inquiries respectively, in the same manner in all respects as such Court could or might order or enforce the same on any Inquiry or Trial before the said Court.

1 & 2 G. 4. c. 59. § 30.

'VII. And Whereas in and by the said recited Act it is provided, that on the Day appointed by the said Court in manner in the said Order mentioned, any One Commissioner of the said Court might and should attend at the Court House in such Assize Town, and proceed to the Dispatch of Business in manner therein

'therein

'therein mentioned: And Whereas it may from various Causes 'happen that One of the said Commissioners, proceeding or intend-'ing to proceed to such Assize Town, may be prevented from 'arriving there on the Day so appointed, and it is expedient that 'the Business of the said Court should not be thereby unneces-'sarily delayed;' Be it enacted, That if, upon the Day appointed for the Arrival of any such Commissioner, such Commissioner shall not have arrived, or shall not attend at such Court House, then and in every such case the said Court shall be considered as adjourned to the ensuing Day (which shall not be a *Sunday*,) and so on from Day to Day until the Arrival of One of the said Commissioners; and that all Persons summoned or bound, or having occasion to attend the said Court, shall thereupon be bound to attend the same according to every such Adjournment, in the same manner in all respects as if such Commissioner had regularly sat, and so adjourned the same; and that any such Commissioner who shall so arrive, shall proceed to sit and dispatch the Business of the said Court in the same manner in all respects as if he had duly and regularly sat, and had been occupied by other Business thereof, and had himself made such Adjournments of the said Court; any thing in the said Act contained to the contrary notwithstanding.

When Commissioner does not attend on the Day appointed, the Court shall stand adjourned to the next Day.

VIII. Provided always, and be it enacted, That every such Commissioner who shall not arrive at any such Assize Town on the Day so appointed by the said Court in that behalf as aforesaid, shall at such next subsequent Day or Time as he shall so arrive thereat, state in Writing the Reason or Cause which prevented him from so arriving, and shall send the same forthwith by His Majesty's Post, subscribed by himself, to the Chief Secretary, or in his Absence, to the Under Secretary, at *Dublin Castle*, to be laid before the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or before either Houses of Parliament when called for.

Non attendance of Commissioner on Day appointed accounted for to Government.

'IX. And Whereas, in and by the said Act, it is provided, that 'all Affidavits to be used before the said Court, or any Commis-'sioner thereof, shall and may be sworn before some One of the 'Courts or Persons therein named in that behalf, and great Mis-'chief has, in many Instances, been found to arise from the Dif-'ficulty and Expence to Persons not residing in *Dublin*, having 'their Affidavits hereinafter specified taken exclusively by the 'Persons so named in that behalf;' Be it enacted, That any Affidavit to be used before the said Court, may be made before some One of the Courts or Persons in the said Act named, and also before any Inspector of any County Gaol in *Ireland*, or any Justice of the Peace in his proper Jurisdiction, or any Commissioner appointed by the said Court for the Purpose of taking Affidavits, or in *England* or *Scotland*, before a Magistrate of the County, Division, City, Town or Place, where the said Affidavit shall be sworn, or any Commissioner of the Court for Relief of Insolvent Debtors in *England*, or any Officer of the said Court in *England* authorized to take Affidavits in the said Court in *England*, and the said Persons are hereby authorized and required to administer the same accordingly; and that every such Affidavit so made shall and may be filed, read and used in the said Court, and for all the Purposes

1 & 2 G. 4. c. 59. § 42.

Before whom Affidavits to be made.

Valid.

of the Evidence, as fully and effectually, and the same respectively shall be of the same Force, Validity and Effect, as if the same had been duly made before any of the Persons in the said Act mentioned in that behalf.

No Fee for such Affidavit.

X. And be it further enacted, That no Fee whatever shall be taken or received by any Court, Officer or Person whatsoever, for or in respect of the swearing of any such Affidavit of the Service of any such Notice.

Provisional Assignee to take Possession and sell Estate, &c. conveyed to him;

XI. And be it further enacted, That it shall and may be lawful for the Provisional Assignee, or any Officer of the said Court or other Person or Persons appointed for that Purpose, if the said Court shall so order, to take Possession of all the Real and Personal Estate and Effects of every such Prisoner as shall subscribe such Petition, and execute such Conveyance and Assignment as in the said recited Act mentioned; and if the said Court shall so order, to sell or otherwise dispose of such Goods, Chattels and Personal Estate, or any Part thereof, and if the Court shall so order, of the Real Estate of such Prisoner, according to the Provisions of the said recited Act, for the Purposes of the said recited Act, and out of the Proceeds of such Real or Personal Estate, to defray, in the First Place, all such Costs and Expences of taking Possession of or seizing and selling the same, as shall be allowed by the said Court, and account for the Produce thereof to the said Court; and all and every the Real or Personal Estate, Money and Effects, vested in or possessed by such Provisional Assignee by virtue of the said recited Act or this Act, shall not remain in him, if he shall resign or be removed from his Office, or in his Heirs, Executors or Administrators, in case of his Death, but shall, in every such Case, go to and be vested in his Successor in Office.

and out of Proceeds to pay Expences of taking Possession.

Property vested in him to go to Successor.

Nothing in recited Act or this Act to prevent any Mortgage, &c. on the Estate of Prisoners from taking Effect, or any Statute Staple, &c. from taking Place, &c.

XII. Provided always, and be it further enacted, That nothing in the said recited Act or in this Act contained, shall extend or be construed to prevent any Mortgage, Charge or Lien upon any Estate of such Prisoner, or any Part thereof, made prior to the presenting the Petition of such Prisoner for the Discharge of such Prisoner by virtue of the said Act or this Act, from taking place upon the Lands, Tenements or Hereditaments, or Personal Estate and Effects, comprised in or charged or affected by such Mortgage, Charge or Lien respectively; nor to prevent any Statute Staple, Statute Merchant, Recognizance or Judgment acknowledged by or obtained against any such Prisoner, prior to the presenting of such Petition, from taking Place upon the Lands, Tenements or real Estates of such Prisoner; and that where any Inquisition shall have been taken upon any Statute or Recognizance, or any Writ of Execution shall have been taken out and delivered to the Sheriff or proper Officer upon any such Judgment, before such Prisoner shall have presented his or her Petition for Discharge as aforesaid, the Personal Estate of such Prisoner shall be subject thereto, for so much as shall remain due upon such Statute, Recognizance or Judgment respectively, in like manner as the same would have been respectively, if the said recited Act or this Act had not been made, any thing in the said recited Act or this Act contained to the contrary notwithstanding; unless in any of the said Cases the Creditor or Creditors having such Mort-

unless Mortgage Creditors, &c.

gage,

gage, Charge, Lien, Statute, Staple, Statute Merchant, Recognizance, Judgment or Execution, shall elect to take and receive any Dividend under this Act in respect of such Debt, and shall cause such Election to be entered on the Files of the Court, discharging such Prisoner: Provided nevertheless, that no such Creditor who shall not have so made and entered such Election, shall be entitled to receive any Dividend under this Act, in respect of any Debt so secured.

elect to take Dividend under this Act.

XIII. And be it further enacted, That any Prisoner who shall have been or shall be declared entitled to the Benefit of the said recited Act, and who shall have obtained or shall obtain a Discharge under the said Acts, shall be discharged against every Creditor for any Sum of Money payable at any future Time or Times, who shall under the said recited Act have become entitled to a Dividend of the Estate of such Prisoner in respect to any Debt or Claim so growing due and payable, and which shall not be due or payable at or before the Time of such Prisoner obtaining his or her Discharge, in like manner to all Intents and Purposes as if such Debt or Claim were payable presently, and not at a future Day.

Prisoners discharged, discharged against future Debts,

XIV. And be it further enacted, That in all cases where any Prisoner shall be discharged by virtue of the said recited Act or this Act, and such Prisoner shall be entitled to any Lease or Agreement for a Lease, and the Assignee or Assignees of such Prisoner shall accept such Lease or Agreement, and the Benefit therefrom, as Part of the Estate and Effects of such Prisoner, the said Prisoner shall not be liable to pay the Rent accruing due after such Acceptance of such Lease or Agreement as aforesaid; and after such Acceptance such Prisoner shall not be liable to be in any manner sued in respect or by reason of any subsequent Non Observance or Non Performance of the Conditions, Covenants or Agreements in any such Lease or Agreement contained: Provided always, that in all such cases as aforesaid, it shall be lawful for the Lessor or Person agreeing to make such Lease, his Heirs, Executors, Administrators or Assigns, if the Assignees of such Prisoner shall decline, upon their being required so to do, to determine whether they will or will not so accept such Lease or Agreement for a Lease, to apply by Petition to the said Court, praying that such Assignees shall either so accept such Lease or Agreement for a Lease, or shall deliver up the same, and the Possession of the Premises demised or intended to be demised; and the said Court shall thereupon make such Order as under all the Circumstances of the Case shall seem meet and just, and such Order shall be binding on all Parties; and in all cases where the Assignee or Assignees of any such Prisoner shall refuse or decline to accept such Lease, or Agreement for a Lease, it shall and may be lawful for such Prisoner to surrender such Lease, or Agreement for a Lease, to his Lessor or Landlord, and such Lessor or Landlord shall be bound to accept such Surrender accordingly.

When Assignees accept of Leases, Prisoners not liable to the Conditions.

Assignees declining to accept of Lease.

Lessors may proceed by Petition.

XV. And be it further enacted, That it shall be lawful for the Provisional Assignee to sue in his own Name, if the said Court shall so order, for the Recovery, obtaining and enforcing of any Estate, Debts, Effects or Rights of any such Prisoner; and in case

Provisional Assignee to sue in his own Name.

Acts done before Dismissal of Petition valid.

of the Dismission of the Petition of any such Prisoner praying for his Discharge, which the said Court is hereby empowered to dismiss whenever it shall seem fit, all the Acts done before such Dismission by the said Provisional Assignee, or other Persons acting under his Authority, under the Order of the said Court, shall be good and valid.

1 & 2 G. 4. c. 59. § 11.

'XVI. And Whereas it is enacted by the said recited Act, that 'when the said Court shall adjudge any Prisoner to be entitled to 'his Discharge, such Court shall appoint a proper Person or 'Persons to be Assignee or Assignees of the Estate and Effects 'of such Prisoner, for the Purposes of the said recited Act:' Be it enacted, That it shall and may be lawful for the said Court, as often as it shall see cause, for the better preserving and securing the Property of any Prisoner, to appoint at any Time after the filing of such Prisoner's Petition, and before the said Court shall adjudge him entitled to his Discharge, as well as after such Adjudication, One or more Assignee or Assignees of the Estate and Effects of such Prisoner for the Purposes aforesaid; and when such last mentioned Assignee or Assignees shall have signified to the said Court his or their Acceptance of the last mentioned Appointment, every such Prisoner's Estate, Effects, Rights and Powers vested in such Provisional Assignee, shall immediately be assigned by such Provisional Assignee to such last mentioned Assignee or Assignees, in trust, for the Benefit of such last mentioned Assignee or Assignees and the rest of the Creditors of every such Prisoner, in respect of or in proportion to their respective Debts, according to the Provisions of the said recited Act; and the Assignee or Assignees of every such Prisoner, at any Time appointed, shall be, and is and are hereby empowered to use and exercise all the Powers, Authorities and Rights, and shall be subject to all the Duties, Liabilities and Punishments, given or ordained by this or the said recited Act with respect to the Provisional or other Assignee or Assignees of any Prisoner; and in all Cases after Assignment by the Provisional Assignee, all the Estate and Effects of every such Prisoner shall be to all Intents and Purposes as effectually and legally vested by Relation in all and every such Assignee or Assignees, as if the First Assignment had been made by such Prisoner to such Assignee or Assignees, but no Act done under or by virtue of such First Assignment shall be thereby rendered void or defeated, but shall remain as valid as if no such Relation had taken place.

Court may appoint an Assignee at any Time after filing Petition.

All Assignees may exercise Powers of Provisional Assignee.

Assignment to vest from Time of First Assignment.

Court to charge Assignees with Interest for using Money belonging to Insolvent's Estate.

XVII. And be it further enacted, That from and after the passing of this Act, in all Cases in which any Assignee or Assignees of any Insolvent's Estate shall wilfully retain in his or their Hands, or otherwise employ for his or their own Benefit, any Sum or Sums of Money, Part of the Estates of such Insolvent, the said Court shall have full Power and Authority to order such Assignee or Assignees to be charged, in his or their Accounts with the Estates of such Insolvents, with such Sum or Sums of Money as shall be equal to the Amount of Interest, computed at a Rate not exceeding Twenty Pounds *per Centum per Annum*, on all Sums of Money appearing to the said Court to be so retained or employed by him or them for the Times or Times during which he or they shall have so retained or employed the same; and the said Court shall,

shall, in pursuance of such Order, charge such Assignee or Assignees in their Accounts with such Sum or Sums of Money accordingly.

Court may examine Debts, whether admitted or disputed in the Schedule.

XVIII. And be it further enacted, That the said Court shall have the same Power to examine into all Debts in the Prisoner's Schedule, whether the same shall be therein stated to be admitted or disputed, or to be admitted in part and disputed in part, as is enacted by the said recited Act as to the Debts stated to be admitted therein; and the Court shall enquire whether any of such Debts have been improperly admitted or disputed by the Prisoner before they shall grant any Discharge of such Prisoner.

Schedule referred to as to Creditors instead of specifying them in Adjudication.

XIX. And be it further enacted, That in the Adjudication of the said Court, that any Prisoner is entitled to the Benefit of the said Act and the Order thereon, it shall not be necessary to specify the several Creditors and Persons claiming to be Creditors of such Prisoner, as required by the said recited Act; but it shall be sufficient, if the said Court shall think fit, to refer in such Order to the Schedule of such Prisoner, as specifying such Creditors or Persons claiming to be Creditors of such Prisoner, as to whom the said Court shall adjudge the said Prisoner to be entitled to the Benefit and Protection of the Act, and to be discharged forthwith; and that in all Cases where it shall appear to the said Court that any Prisoner shall have done or committed any Act for which the said Court is by the said recited Act authorized to order that such Prisoner shall not be discharged out of Custody by virtue of the said recited Act, or receive or be entitled to any Protection, until he or she shall have been in Custody at the Suit of some One or more of the Persons who were Creditors at the Time of petitioning the said Court, or had since become Creditors in respect of Debts then growing due, and from whose Claims he or she shall be discharged by the Judgment of the said Court, for a Period or Periods not exceeding Three Years in the whole; the said Court may adjudicate thereon in the Words of the said recited Act, without naming any such One or more Creditor or Creditors in such Adjudication, and thereupon the said Insolvent shall, under such Adjudication, be subject and liable to be detained in Prison by his or her then detaining Creditor or Creditors, and to be arested or charged in Custody by any of the other Creditors in his or her Schedule, until he or she shall have been in Custody for such Period or Periods in the whole as shall be specified in such Adjudication.

Court may adjudicate generally, without naming particular Creditors, &c.

Insolvent liable to be detained.

The Court may order Expences of Reference to be paid out of the First Proceeds.

XX. And be it further enacted, That where it shall have been referred to an Officer of the said Court, by virtue of the said recited Act, to investigate the Accounts of any Prisoner, and to examine into the Truth of the Schedule of such Prisoner, or the Matters thereof, it shall be lawful for the said Court, if it shall see cause, to order all Expences thereof, paid by any Creditor or Creditors, to be repaid to him or them out of the first Money received by the Provisional or other Assignee or Assignees of such Prisoner, from or by his Estate or Effects.

Court may order Prisoners to be confined within the Walls.

XXI. And be it further enacted, That in all Cases in which the said Court shall order any Prisoner to be discharged from Custody so soon as such Person shall have been in Custody during a certain Period, or not to be discharged until he shall have been in Custody during a certain Period, according to the Provisions and Limitations

Limitations in the said recited Act, the said Court may, if it shall see Cause, order any Prisoner to be confined during any such Period within the Walls of such Prison, and not within any Rules or Liberties thereof.

In case of collusive Arrest in Dublin of Prisoner residing in another County, Affidavits may be used in Opposition.

XXII. And be it further enacted, That where it shall appear to the Satisfaction of the said Court, that any Prisoner in actual Custody, or arrested within the County of *Dublin*, or County of the City of *Dublin*, had at or immediately before such Arrest his usual Place of Abode in some other County or Place, and had been arrested in the said County of *Dublin*, or County of the City of *Dublin*, it shall and may be lawful for the said Court to receive Affidavits of any Creditor or Creditors, or of any other Person or Persons not resident within the said County of *Dublin*, or County of the City of *Dublin*, in Opposition to the Discharge of such Prisoner under the said recited Act, and if the said Court shall think fit, to permit Interrogatories to be filed for the Examination or Cross Examination of any Person making or joining in such Affidavit, and also to stay the Discharge of every such Prisoner, until such Interrogatories shall be fully answered, to the Satisfaction of the said Court, or until the Expiration of Six Weeks from the filing of such Interrogatories.

No Prisoner discharged as to Debt admitted in his Schedule, &c. for want of Plaintiff proceeding.

XXIII. And be it further enacted, That no Prisoner who shall have petitioned the said Court for Relief under and by virtue of the said recited Act, shall be discharged out of Custody as to any Action, Suit or Process in or by which he or she shall be charged or detained in Custody, for any Debt or Damages which are or shall be admitted by such Prisoner in his or her Schedule filed in the said Court under the said recited Act, or which shall be disputed therein only as to the Amount of such Debt or Damages, by or by virtue of any Supersedeas, Judgment of Nonpros, or Judgment as in the Case of a Nonsuit, for want of the Plaintiff or Plaintiffs in such Action, Suit or Process proceeding therein.

1 & 2 G. 4. c. 59. § 11.

'XXIV. And Whereas, by the Provisions in the said Act, any 'Prisoner petitioning for the Benefit of the said Act must execute 'a Conveyance and Assignment of all the Estate, Right, Title, In- 'terest and Trust of such Prisoner, to all the Real and Personal 'Estate and Effects of such Prisoner (except as therein excepted), 'so as to vest all such Real and Personal Estate and Effects in the 'Provisional Assignee of the said Court; and the said Court is em- 'powered to order a Judgment to be entered up against such 'Prisoner in one of the superior Courts in *Dublin*, for the Amount 'of the Debts of such Prisoner which shall at the Time of such 'Order remain due and unpaid, from which such Prisoner shall 'be discharged by the said Court; and such Prisoner is required 'to execute a Warrant of Attorney to authorize the entering up 'such Judgment: And Whereas a Married Woman being a Pri- 'soner for Debt cannot execute such Conveyance or Assignment, 'or such Warrant of Attorney for the Purposes aforesaid, and 'therefore cannot petition for and obtain a Discharge under the 'said Act, without special Provision being made for such Pur- 'poses;' Be it therefore enacted, That if any Married Woman, being a Prisoner within the Intent and Meaning of the said Act, shall petition to be discharged from any Debt or Debts under the

the Provisions of the said Act, it shall be lawful for the said Court to receive such Petition, without requiring such Married Woman to execute such Conveyance or Assignment, or such Warrant as aforesaid, according to the Provisions of the said Act: but instead thereof that the said Court shall require such Married Woman to execute a Conveyance and Assignment for vesting in such Provisional Assignee as aforesaid all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee, or other Persons or Person for her Benefit, and to deliver up all Personal Estate and Effects of which she shall have the actual Possession, except her Wearing Apparel, Bedding and other such Necessaries, not exceeding in the Whole the Value of Twenty Pounds, and also all other Real and Personal Estate and Effects to which she shall be entitled in any manner whatsoever, in Possession, Remainder or Reversion, subject only to such Right, Title or Interest as her Husband may have therein; all which Acts she is hereby empowered to do without her Husband notwithstanding her Coverture, so nevertheless as not to prejudice any Rights of her Husband in such Real and Personal Estate and Effects respectively; and all such Estate and Effects, Real and Personal, in Possession, Reversion or Remainder, shall, by such Conveyance and Assignment so to be executed under the Order of the said Court, be as effectually vested in such Provisional Assignee as aforesaid, as the same might have been vested in such Assignee by the Conveyance or Assignment of such Woman if she had been sole and unmarried, subject only to the Rights of her Husband therein as aforesaid; and all Provisions in the said Act or in this Act contained, touching the Real and Personal Estate of any Prisoner seeking to be discharged under the Authority of the said Act, shall apply to such Real and Personal Estate and Effects respectively, in the same manner as the same would apply to such Personal Estate and Effects if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein; and such Married Woman shall also execute a Warrant of Attorney to confess Judgment in one of the superior Courts aforesaid, for the Amount of the Debts remaining unpaid, from which she shall be discharged under the Authority of the said Act as aforesaid; and such Warrant of Attorney so executed shall be sufficient Authority for entering up Judgment against such Woman accordingly, notwithstanding her Coverture; but such Judgment shall not in any manner prejudice or affect the Rights of her Husband, except that the same shall be deemed and taken to be her Debt in case she shall die in the Lifetime of such Husband, to the End that the same may be discharged out of her Personal Assets in a due Course of Administration, or out of her Real Estate, if any she shall have at the Time of her Death, but without Prejudice to any Estate or Interest of her Husband therein as Tenant by the Curtesy; and in case such Woman shall during the Lifetime of her Husband become entitled to any Property for her separate Use, such Judgment may be enforced against such separate Property, by Suit in Equity or otherwise, under the Order of the

Petitions from Married Women for discharge from Debt received without requiring the Conveyance required by recited Act: but Conveyance for vesting Property shall be made to Provisional Assignee, &c.

Proviso for Rights of Husband.

General Provisions touching Real and Personal Estate applied to Married Women.

Warrant of Attorney by Married Woman.

How far Judgment may affect Husband.

the said Court, for the Purpose of obtaining Payment of so much of the Debts from which such Woman shall have been discharged by such Court as shall then remain unpaid; and in case such Woman shall survive her said Husband, such Judgment may be after his Death enforced against such Woman or her Property, Real and Personal, in such and the same manner and with the same effect as it might have been if she had been sole and unmarried at the Time she executed such Warrant to confess Judgment, and at the Time when such Judgment shall have been entered up as aforesaid: Provided always nevertheless, that the Discharge of any Married Woman under the Authority of the said Act or of this Act, shall not operate to discharge her Husband from any Debt from which his Wife shall be so discharged, but such Debt, so far as the same shall remain unpaid or unsatisfied, shall be chargeable upon and in force against such Husband, as fully, to all Intents and Purposes, as if his Wife had not obtained such Discharge.

How far Discharge of Married Women not to discharge Husband.

1 & 2 G. 4. c. 59. § 26.

'XXV. And Whereas by the said recited Act the said Court is 'authorized in certain Cases, upon the Application of any Cre- 'ditor of a Prisoner, to direct such Prisoner, after his Discharge, 'to be brought again before them, and upon due Notice to be 'given by such Creditor, to rehear the Matter, and make such 'further Order as to them shall seem fit, in Execution of the Pow- 'ers in the said recited Act contained;' Be it further enacted, That where, in any such case, the Insolvent, after his Discharge, shall refuse or neglect to appear before the said Court on the Day and at the Time specified in any Rule of the said Court, a Copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for the said Court to order the said Insolvent to be apprehended, and remanded into Custody in such Prison as the said Court shall direct, and to issue their Warrant accordingly, and to cause him to be brought up for Examination as often as to the said Court shall seem fit.

Insolvent refusing to appear apprehended and remanded.

XXVI. And be it further enacted, That every Person who shall have been once discharged under any Act for the Relief of Insolvent Debtors, and shall petition again within Five Years after such Discharge, for his or her Discharge from Confinement, according to the Provisions of the said recited Act or this Act, shall state therein the Time and Place of his or her former Discharge, and that such Person has since his or her former Discharge endeavoured by Industry and Frugality to pay all just Demands upon him or her, and has incurred no unnecessary Expence, and that the Debts which such Person has incurred subsequent to such former Discharge have been necessarily incurred for the Maintenance of such Person, or his or her Family, or that the Insolvency of such Person has arisen from Misfortune, or from Inability to acquire Subsistence for himself or herself, or his or her Family, or such and so much thereof as shall or may be applicable to the Case of every such Person; and to every such Petition shall be annexed an Affidavit verifying the Matters stated in such Petition.

Persons discharged under previous Act within Five Years, to state same, and the Reasons for again applying, verified by Affidavit.

XXVII. And be it further enacted, That in every Case where a Prisoner shall be or become of unsound Mind, and Proceedings shall be had under the said recited Act for the Discharge of such Prisoner by the said Court, all and every Estate, Right, Title,

Estates, &c. of Insane Persons discharged, vested in Provisional or other Assignees.

Title, Interest in Law and Equity, Real and Personal, Power, Benefit and Emolument whatsoever, which, if such Prisoner were of sound Mind, could or ought to be assigned by such Prisoner, pursuant to the Provisions of the said recited Act or this Act, shall, by force and virtue of the Order for the Discharge of such Prisoner, be vested in the Provisional Assignee of the said Court, or in other Assignee or Assignees appointed by the said Court, and named in the said Order, as fully and effectually, and in the same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind, and had duly conveyed the same to such Provisional Assignee at the Time and in the Manner in the said recited Act provided; and every Assignment hitherto made in such Case by the said Court is and shall be good and effectual to all Intents and Purposes; and that it shall be lawful for the said Court to order Judgment to be entered up against such Prisoner, in the same manner as if he or she had been of sound Mind, and had executed a Warrant of Attorney to authorize the entering up of such Judgment, in the manner by the said recited Act provided.

Former Assignments good.

Court may order Judgments to be entered up.

XXVIII. And be it further enacted, That when any Assignment shall be avoided by a Commission of Bankrupt being issued against any Prisoner, no Action or Suit shall be commenced for any thing done under or by virtue of the said Assignment, except to recover any Property, Estate, Money or Effects of the said Bankrupt, detained after Demand thereof.

After Assignment avoided by Commission of Bankrupt, no Action to be brought.

'XXIX. And Whereas it may happen, that Money may re-'main in the said Court, produced by the Estate and Effects of 'Insolvent Debtors who have taken the Benefit of the said recited 'Act, or some other Act for the Relief of Insolvent Debtors, 'which has not been, or may not be claimed by the Assignees or 'Creditors of such Insolvent;' Be it further enacted, That it shall and may be lawful for the said Court to cause the same or any Part thereof, to be invested in Government Securities, and to apply the Interest and Profit arising therefrom towards defraying the Expences of the said Court: Provided always, that no such Money shall be so invested until the same shall have been in the said Court for Twelve Months at the least.

Exception.

Court may invest unclaimed Money.

Application thereof.

Time of investment.

XXX. And be it further enacted, That in all Rules, Orders, Warrants and other Proceedings of the said Court, under the said recited Act or this Act, or any Act for the Relief of Insolvent Debtors, it shall be sufficient to set forth such Rule, Order or Warrant; or in case of a Warrant for the Apprehension or Detention of any Person for a Contempt in disobeying any Order or Rule of the said Court, or for the Apprehension or Detention of any Person for compelling the Appearance of such Person before the said Court, or for the enforcing any Rule or Order of the said Court, it shall be sufficient to set forth such Rule or Order and the Warrant thereon, and that the Insolvent in any Order, Rule, Warrant or other Proceeding mentioned has been duly discharged under the said recited Act or this Act, or some other Act for the Relief of Insolvent Debtors, if he has been discharged, or if he has not been discharged, that the Prisoner has applied by Petition to the said Court for his or her Discharge from Confinement, according

In all Rules, &c. it shall be sufficient to set out the Substance, without setting out the other Proceedings.

ing to the Provisions of the said Acts, without setting forth in any such Order, Rule, Warrant or other Proceeding, the Petition, Conveyance or Assignment to the Provisional Assignee, Appointment of Assignee or Assignees, or any Assignment whatever, or the Schedule, Balance Sheet, Order for Hearing, Adjudication, Order for Discharge or any other Rule, Order or Proceeding of or in the said Court, or any Part thereof, except as aforesaid.

In Indictments, &c. for omitting Property from Schedule, &c. it shall be sufficient to set out the Substance of the Offence charged.

XXXI. And be it further enacted, That in every Information or Indictment against any Person for having, with Intent to defraud his Creditors, wilfully and fraudulently omitted in his Schedule, as finally amended and filed in the said Court, at the Time of the Order for his Discharge from actual Custody, any Effects or Property whatsoever, or retained or excepted out of the Schedule, as Wearing Apparel, Bedding, Working Tools and Implements, and other Necessaries, more in Value than Fifteen Pounds, or against any Person for aiding and assisting to do the same, it shall be sufficient to set forth the Substance of the Offence charged on the Defendant, without setting forth the Petition or Conveyance or Assignment to the Provisional Assignee, Appointment of Assignee or Assignees, or any Assignment whatever, or Balance Sheet, Order for Hearing, Adjudication, Order for Discharge or Remand, or any Warrant, Rule, Order or Proceeding of or in the said Court, except so much of his Schedule as may be necessary for that Purpose.

Act may be altered, &c. this Session.

XXXII. And be it further enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

CAP. CXXV.

An Act to enable Ecclesiastical Persons and others, in *Ireland*, to grant Leases of Tithes, so as to bind their Successors. [6th *August* 1822.]

'WHEREAS it is desirable to render the Incomes of Ecclesiastical Persons in *Ireland* more certain in their Amount, and more easy of Collection, and to avoid Controversies respecting the same, and to encourage the Industry and Enterprise of Farmers and Occupiers of Land; and the permitting Leases of Tithes to be made by Ecclesiastical Persons for Terms of Years certain, and to be binding on their Successors, may have a Tendency to produce the said good Effects, and may, under proper Restrictions, be just and expedient:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *September* One thousand eight hundred and twenty two, it shall and may be lawful to and for all and every Archbishops, Bishops, Deans, Deans and Chapters, Archdeacons, Prebendaries or other Dignitaries Ecclesiastical, and for all Parsons, Rectors, Vicars, Chapters, Vicars Choral and all other Ecclesiastical Persons and Bodies Corporate, of whatsoever Rank and Description, in *Ireland*, and to and for every Lay Impropriator or Person entitled to any impropriate Tithes or

Ecclesiastical Persons, &c. may lease Tithes to Persons in Possession of Lands out of which such Tithes are issuable for the

Portions of Tithes, to demise and lease for any Term of Years, not exceeding Twenty one Years, to any Person or Persons seized or possessed of the Lands out of which such Tithes shall be issuable respectively, having any Freehold Title or Interest, or any Interest for a certain Term of Years, in such Lands, or to the Person or Persons having a Reversionary Interest of the like Nature in such Lands expectant on any Term not exceeding Seven Years, or expectant on any Freehold Interest not exceeding One Life, or to such Persons jointly, or to any Person or Persons having any Freehold Interest, or any Interest for a certain Term of Years, vested and in Possession jointly with any Person or Persons having a Reversionary Interest immediately expectant upon such Interets vested and in Possession, all and every or any Tithes or Portions of Tithes, predial or mixed, payable or belonging to such Ecclesiastical Dignitaries, Persons or Bodies Corporate respectively, by virtue and in right of their Ecclesiastical Dignities, Preferments or Benefices respectively, or payable to any such Lay Impropriator respectively, in Manner and under the Regulations, Restrictions and Conditions hereafter specified and set forth; any thing in any Act or Acts in force in *Ireland* to the contrary in any wise notwithstanding.

Term and upon the Conditions herein mentioned.

II. And be it further enacted, That every such Lease or Demise shall be made by Indenture; and that where such Lease shall be made by the Incumbent of any Benefice, Presentative or Donative, the Patron of such Benefice, or the Committee or Guardian of the Estate of such Patron, if such Patron shall be a Minor or Lunatic, or the King's Attorney General if the King shall be the Patron, shall be a Party consenting thereto, such Consent to be signified before the Execution of such Indenture or the Counterpart thereof, by Indorsement on such Indenture and Counterpart subscribed by such Patron, or by such Committee, Guardian or Attorney General respectively, with the Day and Year on which such Consent shall be signified; and that every such Indenture shall be signed and sealed by all the Parties thereto, and that a Counterpart of such Indenture shall be signed and sealed in like manner; and that in every such Indenture and Counterpart there shall be contained a full and sufficient Description, by Metes and Bounds, of the Lands subject to the Tithes thereby demised, and a Statement of the Parish and County; and if in a County at large, then of the Barony or Half Barony in which such Lands shall lie; and to every such Indenture and Counterpart there shall be annexed a Map or Terre Chart or Ground Plan of the said Lands so subject to the said Tithes so demised; and that the Rent reserved and made payable in and by every such Lease shall be made payable during the whole Term of such Lease, and shall be the best annual Value of such Tithes that can be had or gotten for the same at the Time of making such Lease, without Fraud or Covin, and without any Fine, Premium or Foregift being taken or received by or paid to the Lessor of such Tithes.

Lease by Indenture:

Patron to be

Party consenting.

Indenture and Counterpart signed, &c. with Map of Lands chargeable with Tithes.

Rent best annual Value without Fine.

III. And be it further enacted, That every such Lease which shall be made by any Dean or other Ecclesiastical Dignitary, or Parson or Incumbent of lower Rank, or by any Ecclesiastical Body Corporate, shall be made with the Consent and Approbation of the Ordinary of the Diocese; and that before the Execution of such Indenture

Consent of Ordinary indorsed before Execution, on all Leases.

Indenture of Demise, or the Counterpart thereof, the Consent and Approbation of the said Ordinary shall be indorsed on such Indenture and Counterpart, and shall be subscribed by such Ordinary with his Name and the Day and Year on which such Consent and Approbation shall be signified.

Memorial of Lease to be registered with Registrar of Diocese.

IV. And be it further enacted, That a Memorial of every such Indenture of Lease, with such Map or Terre Chart or Ground Plan thereto annexed, shall be lodged in the Registry of the Diocese within which the Lands out of which the Tithes demised by such Lease shall be issuable, shall lie and be situate, within Six Calendar Months next after the Date and Execution of such Lease; and that such Memorial shall be written upon Vellum or Parchment, and directed to the Registrar of such Diocese, and shall be under the Hand and Seal or Hands and Seals of some One or more of the Parties to such Indenture of Lease, and shall be attested by One of the Witnesses to such Indenture of Lease, and such Witness shall, by Affidavit at the Foot of such Memorial, made before the said Registrar (who is hereby empowered and required to administer the same) prove the Signing and Sealing of such Memorial, and the Execution of such Indenture and Counterpart, by One at least of the Parties thereto respectively, and also the Signature of the Patron and Ordinary respectively endorsed on such Indenture and Counterpart, in all Cases where such Endorsements or either of them shall be necessary under this Act; and such Indenture and Counterpart shall be produced, together with such Memorial, to such Registrar, who shall thereupon certify on the Back of such Indenture and Counterpart the Registration thereof, and the Day whereon the same shall be so registered, and shall make an Entry of such Memorial in a Book to be kept for that Purpose, with a sufficient Index for the Purpose of Reference, and shall deposit the said Memorial amongst the Archives of such Diocese; and every such Registrar shall be entitled to receive a Fee of Two Shillings and Six Pence and no more, for or in respect of such Registration; and every Person shall be entitled to inspect such Registry, and to have a Copy of any such Entry, or of any such Memorial, on paying for the same respectively a Sum of Two Shillings and Six Pence and no more; and such Endorsement of Registry upon such Indenture and Counterpart as aforesaid shall to all Intents and Purposes be good and sufficient Evidence of the Registration thereof, according to the Terms of such Endorsement.

Oath of Attesting Witness.

Indenture, Counterpart and Memorial produced to Registrar.

Fee for Registry.

Fee for Inspection or Copy.

Leases free from Stamp Duty.

V. And be it further enacted, That no such Lease or Leases, or Counterpart or Counterparts, or Memorial or Memorials, shall be liable or subject to the Payment of any Duty in respect of any Stamp or Stamps thereon; nor shall any Stamp or Stamps be required to be imposed thereupon; any Act or Acts to the contrary notwithstanding.

Lease valid during Term demised against Lessors, &c. Assignees of Lessees and future Occupiers.

VI. And be it further enacted, That from and after such Registry, every such Lease so registered shall be good, valid and effectual during the Continuance of such Lease, not only against the Parties thereto, for and during the Continuance of the Interest of such Parties in the said Lands, but also against all Persons claiming under them, and the Successor or Successors of all such Ecclesiastical Dignitaries and Persons and Bodies Corporate respectively,

tively, on the one Part; and on the other Part, against all and every Person or Persons who shall succeed to the Ownership or Possession, or be or become Occupiers or Proprietors of the Lands out of which such Tithes shall be payable, either by Assignment or other Title from or under the original Lessee of such Tithes, or by reason or means of any Forfeiture or Breach of any Covenant or Condition for Payment of Rent or otherwise; and such Lease shall, from and after such Registry thereof, be deemed and taken to be, and to amount in Law and in Fact, to a Suspension of the Right of claiming or taking the Tithes thereby demised, or of any Payment in respect of the same, other than the Rent reserved in such Lease, for and during the Continuance of such Lease; and the Occupier or Occupiers of such Land, and every Part thereof, shall from time to time, during the Continuance of such Lease, hold such Land freed and discharged of and from all Tithes, and of and from all Payment in respect of Tithes, other than the Rent reserved in and by such Lease, if made to the Occupier of such Land at the Time of the Execution of such Lease, except in Cases hereinafter specially provided for.

Lease to suspend Right of taking Tithes, or Payment for Tithes, except Rent reserved.

Exception.

VII. Provided always, and be it enacted, That if any Spiritual Dignitary or Person, or Body Corporate, who shall make any Lease of Tithes under this Act, shall receive or take any Fine, Foregift, Grant or Compensation, or any Sum of Money or Consideration whatever, other than the Rent reserved by such Lease pursuant to this Act, then and in such Case such Lease shall be absolutely void and of no effect any thing in the said Lease or Demise to the contrary in any wise notwithstanding.

Where Fine taken, Lease void.

VIII. Provided also, and be it enacted, That no Lease of Tithes which shall be made to any Tenant for Years of any Land out of which such Tithes shall be issuable, shall be valid or effectual beyond the Term of Years for which such Tenant or his Assigns shall hold such Land under or by virtue of a Lease of such Land in Existence at the Time of the making the Lease of such Tithes, or of some Renewal of such Lease of such Land; and that no Lease of Tithes which shall be made to any Tenant or Occupier of any Land out of which such Tithes shall be issuable, at any Time after any Declaration in an Action of Ejectment at the Suit of the Landlord of such Tenant shall have been duly served upon such Tenant, shall be valid or effectual after final Judgment against such Tenant in such Action of Ejectment; but in such Cases, or either of them, every such Lease of Tithes shall become and be deemed to be expired and determined; any thing in this Act contained to the contrary in any wise notwithstanding.

Lease of Tithes for Years not valid beyond Interest of Tenant or his Assignee.

Lease of Tithes after Judgment in Ejectment, deemed expired.

IX. And be it further enacted, That the Amount of the Rent reserved in and by every such Lease of Tithes, and all Arrears thereof from time to time, not exceeding the Amount of One whole Year's such Rent, shall be a Charge on the Lands specified in such Lease during the Continuance of such Lease; and that it shall be lawful for the Lessor in every such Lease to levy the Amount of such Rent, or to cause the same to be levied on and from such Lands, in preference to any other Charge thereon, whether for Rent of the said Lands, or for any Taxes or Assessments, Parliamentary or other; and it shall and may be lawful for such Lessor to appoint the Collector of the Grand Jury Cess for

Rent a Charge on Land, and leviable by Collector of Grand Jury Cess, or other Person appointed with like Remedies as Grand Jury Cess.

the Barony in which such Lands shall be situate, or any other Person or Persons, to collect and levy such Rent so reserved in and by any such Lease of Tithes, from time to time, as the same shall come due; and every such Collector, or other Person or Persons so appointed, shall collect and levy, and is and are hereby authorized, empowered and required to collect and levy, all and every Sum and Sums of Money which shall become due from time to time in respect of such Rent, with the like Powers and Authorities, and in like manner, to all Intents and Purposes, as the Collectors of Grand Jury Cess are empowered to levy any Money under the Presentment of a Grand Jury, and under the Warrant of the Treasurer of the County, and with all the like Remedies in case of Nonpayment thereof, or of any Part thereof, as are prescribed by Law with respect to any Money to be levied under any Presentment of a Grand Jury; and such Money when so levied, shall be paid over to the Lessor or his Successors, who shall be entitled to the same under such Lease, deducting only such reasonable Charges as shall be agreed between such Lessor or his Successors, and such Collector or other Person appointed to collect and levy such Rent, to be paid for the collecting and levying the same.

Money when levied paid to Lessor.

Lessors may sue or distrain for Rent, as in case of Land.

X. Provided always, and be it enacted, That the Lessors of all such Tithes as shall be demised or leased under this Act, shall and may have such Remedies by suit at Law, against the Lessees in such Lease, and their Heirs, Executors, Administrators and Assigns respectively, as the Lessors of any Land may have against their Lessees; and that it shall and may be lawful for the Lessors of such Tithes to distrain on the Lands out of which such Tithes shall be issuable, or any Part thereof, for such Arrears of Rent as shall at any Time remain due and unsatisfied, not exceeding the Amount of One Year's Rent; and such Distress shall be subject to all such Rules, Regulations and Provisions, as Distresses for the Rent of Land under any Act or Acts, or Law or Laws, in force in *Ireland* relating to such Distresses.

Owner of Land, the Tithes of which are leased to him, to let such Land Tithe free, and Occupier paying Tithe may deduct it out of his Rent.

XI. And be it further enacted, That whenever, under the Provisions of this Act, any Tithes shall be demised to any Person having a Freehold or Leasehold Interest in the Land out of which such Tithes shall be issuable, and such Person shall afterwards let, set or demise such land, or any Part thereof, to any other Person or Persons, such Lease or Demise of such Land shall be made free from the Payment of Tithes during the Continuance of the Lease of such Tithes; and in such case it shall and may be lawful for the Lessee or Occupier of such Land to pay the Amount of the Rent of such Tithes as shall be due from time to time to the Lessor of such Tithes, or to the Person employed to collect the Rent of such Tithes, and it shall be lawful for such Lessee or Occupier of such Land to deduct the Amount of all such Payments from time to time out of the Amount of Rent payable by such Lessee or Occupier of such Land to his immediate Landlord, and the Receipt or Acquittance of such Lessor of such Tithes or of such Collector, shall be a good and sufficient Discharge to the Lessee or Occupier of such Land for so much of the Rent payable by such Lessee or Occupier to such Landlord as the Sum specified in such Receipt shall amount unto; and every such

Landlord

Landlord shall accept such Receipt in Payment of so much of the Rent payable by the Lessee or Occupier to him: Provided nevertheless, that such Deduction shall not be held to be a Discharge of any Portion of any Gale or Quarterly or other Payment of Rent, due by such Lessee or Occupier of such Land, so as to prejudice the Right of such Landlord to recover the Possession of such Land by Ejectment for Nonpayment of the Rent thereof, in any case where the remaining Portion of such Gale shall be unpaid, but that it shall and may be lawful for such Landlord to proceed for the Recovery of such Land by Ejectment, as effectually as if the entire Gale of Rent, out of which such Deduction is hereby allowed, had remained wholly due and unpaid to such Landlord.

Such Deduction not a Discharge to prevent Ejectment For Nonpayment.

XII. Provided always, and be it enacted, That whenever any Agreement for a Lease or Demise of Tithes shall be entered into between any Person or Persons beneficially interested in such Land as aforesaid, out of which such Tithes shall be issuable, not being the actual Occupier of such Land, and any Ecclesiastical Person or Body Corporate or Impropriator hereinbefore mentioned, pursuant to the Provisions hereinbefore mentioned, it shall and may be lawful for such Person or Persons so beneficially interested in such Land to serve or cause to be served, a Notice in Writing personally on the Occupier or Occupiers of such Land, or any Part thereof, having an Interest therein for any Term not exceeding Seven Years, or for One Life only, requiring such Occupier or Occupiers to become a Party or Parties to such Lease or Demise, and such Notice so served shall contain the Particulars of such Lease or Demise with respect to the Lands out of which such Tithes shall be issuable, and the Rent reserved for the Tithes thereof, and shall specify the Place where such Person or Persons so beneficially interested reside, or at which the Answer to such Notice shall be required to be given; and in case such Occupier or Occupiers shall not, within the Space of Fourteen Days next after being served with such Notice, signify his, her or their Consent in Writing to become Party to such Lease or Demise, and cause the same to be duly served at the Place specified for that Purpose in the Notice from the Person or Persons so beneficially interested in such Land, or if such Occupier or Occupiers, after signifying such Consent, shall refuse to become Party or Parties to such Lease or Demise, or shall refuse to sign the Counterpart of such Lease on being required so to do, and the same being tendered for such Purpose, it shall and may be lawful for the Person or Persons so beneficially interested in such Land, having duly executed the Counterpart of such Lease of the Tithes issuing out of such Land, pursuant to the Provisions of this Act, and his or their Heirs, Executors, Administrators or Assigns, having paid the Rent reserved by such Lease, at all Times during the Continuance of such Lease, and of the Interest of such Occupier or Occupiers aforesaid, to have, use and exercise all such Rights and Powers for the Recovery of the Tithes issuing out of the Lands holden by any such Occupier or Occupiers, during the Period for which such Rents shall have been paid, as the Owner of such Tithes had for the same, previous to the making of any such Lease of such Tithes; and such Person or Persons

Owner of Land having agreed for Lease of Tithes to give Notice to Occupier, not having more than a Seven Years' Term, or for One Life only, requiring him to be a Party to such Lease; and on his Refusal, Owner being Lessee, may recover the Tithes against such Occupier.

so beneficially interested in such Land shall and may sue for, levy and recover such Tithes accordingly, to all Intents and Purposes, as if no such Lease had been made; any thing in this Act contained to the contrary in any wise notwithstanding.

How far Persons beneficially interested answerable for Rent.

XIII. Provided always, That in every such case the Person so beneficially interested in such Land shall, from the Time of his executing the Counterpart of such Lease as aforesaid, be answerable for the Rent reserved in and by such Lease, as fully, to all Intents and Purposes, as if he were in the actual Occupation of the Lands out of which such Tithes shall be issuable.

How far only Occupier liable to Lessor of Tithes for Rent of Tithe; nor to Lessee for Tithes of any Land not held by such Occupier.

XIV. Provided also, and be it enacted, That whenever any Tithes shall be demised to any Person beneficially interested in the Land out of which such Tithes shall be issuable, not being the actual Occupier of such Land, the Occupier or Occupiers of such Land, or of any Part thereof, shall not in any case be liable to the Payment of the Rent or any Part of the Rent of such Tithes, to the Lessor of such Tithes, nor to any Distress for the same, beyond the Amount of the Rent payable by such Occupier or Occupiers respectively, for the Land actually holden by such Occupier or Occupiers; and that no Occupier or Occupiers of Land shall be liable to any Person beneficially interested in such Land, and being Lessee of such Tithes, for the Payment of the Tithes of any Lands not actually holden by such Occupier; any thing contained in this Act, or in any Lease or Demise of such Tithes, or any Law, Usage or Custom to the contrary in any wise notwithstanding.

Possession of Land by Occupier discharged of Tithes; or Receipt of Tithes by Landlord, deemed a Possession of Tithes by Lessor.

XV. And be it further enacted, That the Possession and Enjoyment of the Lands out of which such Tithes shall be issuable by the Occupier of such Lands, discharged from the Payment of such Tithes, for the Continuance of the Lease of such Tithes, or the Receipt of such Tithes by the Landlord of such Occupier in the Case hereinbefore provided for, during any Part of the Term of the Lease of such Tithes, shall be deemed and taken to be, in Law and in Fact, tantamount to and to be the actual Possession and Enjoyment of such Tithes by the Lessor or Lessors of such Tithes, and of his or their Successor or Successors, and shall and may be so alleged and insisted upon in all and every or any Proceedings and Proceeding in Law and Equity, in all Cases whatsoever.

Lessee of Tithes having a new Term in Lands, may renew Lease of Tithes within the last Three Years previous to its Determination.

XVI. And be it further enacted, That if at any Time during the Three Years next preceding the End, by Effluxion of Time, of the Term demised by any Lease or Demise of Tithes to be made under the Regulations of this Act, the Lessee or Lessees of such Tithes under such Lease, or the Executors, Administrators or Assigns of such Lessee or Lessees, shall be or become possessed of an Interest in such Lands, which may continue longer than the Term remaining in the Lease of such Tithes, whether such longer Term or Interest in such Lands shall be a Part of the original Interest of such Lessee, or shall be held or obtained by virtue of any new Lease or otherwise, and such Lessee or Lessees of such Tithes shall be disposed to obtain a Renewal or new Lease of such Tithes, then and in any such case it shall and may be lawful to and for the Parties interested in such Lease of Tithes respectively, to grant and receive a Renewal or new Lease of such Tithes, either alone or together with any other Tithe or Tithes,

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in like Manner and under all such and the same Restrictions, Qualifications, Conditions and Requisites, as are hereinbefore required with respect to every such Lease of Tithes; and every such new Lease shall commence and take effect from the making thereof; and when such new Lease of such Tithes shall be complete in all respects, and duly registered in manner required by this Act, the same shall not be avoided or impeached by reason of the Existence of such former Lease, but from the Registration of such new Lease, the former Lease shall cease and determine to all Intents and Purposes, except only as to the Recovery of any Rent then due under the same: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the Surrender or Renewal of any Lease of Tithes made under this Act, at any Time more than Three Years distant from the End of the Term originally demised by any such Lease; and that any Lease, made at any Time more than Three Years distant from the End of such original Term, by Effluxion of Time, shall be null and void to all Intents and Purposes whatsoever.

Not to authorize Renewals, except within last Three Years of Term originally demised.

XVII. And to prevent Doubts and Disputes as to the Form of the Lease of such Tithes, be it enacted, That every such Lease shall be in the Form here following, or in some other Form of Words of that or the like effect; that is to say,

Form of Lease of Tithes.

'THIS Indenture, made the Day of
' between *A. B.* (the Lessor of the Tithes) of
' of the one Part; and *C. D.* [*or, C. D. & E. F.*] (the Person
' or Persons beneficially interested in the Land, *as the case may*
' *be*, to whom the said Lease is to be made) of the other Part:
' Whereas the said *C. D.* [*or, C. D. & E. F. as the case may be*]
' is [*or* are] entitled to all that and those [*here describe the Lands*]
' situate, lying and being in the Parish of [if any] Barony of [if
' any] and County of for the Term of
' Years, or for and during the Life [*or* Lives] of [*here set out*
' *the Lessee's Interest:*] And whereas the said Lands are subject
' to the Payment of Tithe, *or*, Half or other Portion of Tithe,
' to the said *A. B.* and his Successors, [*here set out in what*
' *Right they are entitled to the said Tithe, or Half or other Por-*
' *tion of Tithe:*] And whereas the said *A. B.* (with the Consent
' of *G. H.* Patron, &c. and *I. K.* Ordinary, &c. (*as the case may*
' *be*), testified by Indorsement on this present Indenture) hath
' agreed to demise the said Tithe, *or*, Half or other Portion of
' Tithe of the said Lands, according to the Statute in such case
' made and provided, on the Terms hereinafter contained: Now
' this Indenture witnesseth, That the said *A. B.*, for and in con-
' sideration of the Rents and Covenants hereinafter contained,
' hath demised, granted and set, and by these Presents doth de-
' mise, grant and set, all and every the said Tithes, *or*, Half or
' other Portion of Tithes, so payable to the said *A. B.* and his
' Successors, out of the said Lands and every Part and Parcel
' thereof, to have and to hold the same to the said *C. D.* [*or*, to
' the said *C. D. & E. F. as the case may be*], or to his [*or* their]
' Heirs, Executors, Administrators and Assigns, being Occupiers
' [*or* Owners] of the said Land, from the First Day of *May*
' last past [*or* next coming, *as the case may be*] for and during
' and unto the full End and Term of Years [*adding*,

'*if the Interest of such Lessee shall be for a Life or Lives not* '*renewable, these Words, to wit;* "provided the said Life or 'Lives or any of them (*as the case may be*) shall so long con- 'tinue"]; and the said *C. D.* [*or, C. D. & E. F. as the case may* '*be*] in Consideration thereof, hath given and granted, and by 'these Presents doth give and grant, unto the said *A. B.* and 'his Successors, One yearly Rent or Sum of 'clear of all Taxes, Charges, Assessments and Impositions what- 'soever, to be issuing out of all that and those the Lands and 'Tenements aforesaid, to have and to hold the said yearly Rent 'or Sum of to the said *A. B.* and his 'Successors from the First Day of *May* aforesaid, for and during 'the Continuance of the Demise so made to the said *C. D.* [*or* '*C. D. & E. F. as the case may be*] as aforesaid; the said 'yearly Rent or Sum to be paid and payable by Two equal Half 'yearly Payments, on every First Day of *November* and First 'Day of *May* during the said Term; and further, the said *C. D.* '[*or C. D. & E. F. as the case may be*] doth [*or* do, and each of 'them doth] grant and agree, to and with the said *A. B.* and 'his Successors, that in case the said yearly Rent or any Gale or 'Part thereof, shall at any Time be due and unpaid by the Space 'of Three Calendar Months after any of the said Days of Pay- 'ment thereof, then and in every such case it shall and may be 'lawful to and for the said *A. B.* and his Successors unto the 'said Lands and Tenements, or any Part or Parts thereof, to en- 'ter and distrain, and the Distress and Distresses there found 'to take, lead, drive, carry away, sell and dispose of, according 'to Law, for the Recovery of the Sum or Sums to them due, and 'the reasonable Costs of so recovering the same: And it is hereby 'further agreed, by and between the said Parties, that in case 'the said Rent or any Gale thereof, shall be due, behind and 'unpaid, for the Space of Three Calendar Months next after 'any of the said Gale Days respectively, then and in every or any 'such case, the said Demise hereinbefore contained, and every 'Part thereof, shall, at the Election of the said *A. B.* and his 'Successors, but not otherwise, be and be deemed and taken to be 'null and void, to all Intents and Purposes, from the said Gale 'Day; and in such case it shall and may be lawful to and for 'the said *A. B.* and his Successors, to take and receive all and 'every Tithe, *or*, Half or other Portion of Tithe, of the Growth, 'Produce or Increase of the said Lands, or of any Part thereof, 'which shall have been severed since the said Day from which such 'Lease shall be so void, or to proceed for or in respect of the 'Subtraction thereof, in the same manner in all respects as if this 'Lease had not been made: And the said *C. D.* for himself, his 'Heirs, Executors, Administrators and Assigns, doth hereby co- 'venant, promise and agree, to and with the said *A. B.* and his 'Successors, that he the said *C. D.* his Heirs, Executors, Ad- 'ministrators and Assigns, or some of them, shall and will from 'time to time hereafter, well and truly pay or cause to be paid, 'unto the said *A. B.* and his Successors, the said yearly Rent or 'Sum of at the Days and Times herein- 'before mentioned for the Payment thereof, by even and equal 'Portions as aforesaid; [*or*, the said *C. D.* and *E. F.* do respec-

'tively for themselves, their Heirs, Executors, Administrators 'and Assigns, covenant, promise and agree to and with the said 'A. B. and his Successors, that they will respectively, from time 'to time hereafter, when and so long as their Interest shall con- 'tinue to be, or shall become vested in possession, well and 'truly pay or cause to be paid, to the said A. B. and his Suc- 'cessors, the said yearly Rent or Sum of 'by equal and even Portions as aforesaid]: In Witness whereof 'the Parties aforesaid have hereunto set their Hands and Seals, 'the Day and Year first above written.'

No Action for defeating Lease to be brought but upon Six Months' Notice.

XVIII. And be it further enacted, That no Action or other Proceeding whatever shall be had or taken, by any Person whomsoever, for the avoiding or defeating of any Lease of Tithes made under the Provisions of this Act, unless such Person shall give Notice in Writing of such his Intention, Six Calendar Months at least before the Expiration of some Year, reckoning from the Commencement of such Lease, to the Party or Parties against whom such Action or Proceeding shall be intended to be had or brought; and such Notice shall particularly specify and set forth the Cause or Causes for which such Lease is sought to be avoided or defeated.

CAP. CXXVI.

See 4 Geo: 4. c: 95.

An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of *Great Britain* called *England*. [6th *August* 1822.]

'WHEREAS the Laws now in force for the general Regula- 'tion of Turnpike Roads in that Part of *Great Britain* 'called *England*, are found to be ineffectual, and require Amend- 'ment;' Wherefore, for Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and twenty three, an Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain, amend and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*; and also an Act passed in the Fourteenth Year of His said late Majesty's Reign, intituled *An Act to repeal a Clause in an Act made in the Thirteenth Year of His present Majesty's Reign, intituled 'An Act to explain, amend and reduce into One Act of 'Parliament, the general Laws now in being for regulating the 'Turnpike Roads in that Part of* Great Britain *called* England, *'and for other Purposes,' which regulates the Width of the Wheels, and the Length of Carriages liable to be weighed, and for indemnifying Persons who have offended against the said Clause*; and also an Act passed in the Fourteenth Year of His said late Majesty's Reign, intituled *An Act to explain and amend an Act made in the Thirteenth Year of His present Majesty's Reign, intituled 'An Act to explain, amend and reduce into One Act of 'Parliament, the general Laws now in being for regulating the*

The following Acts repealed, viz.

13 G.3. c.84.

14 G.3. c.14.

14 G.3. c.36.

'*Turnpike Roads in that Part of* Great Britain *called* England, '*and for other Purposes,*' *so far as the same relates to the continuing and granting an additional Term of Five Years to Acts made for amending Turnpike Roads;* and also an Act made in the Fourteenth Year of the Reign of His said late Majesty, intituled
14 G. 3. c. 57. *An Act to repeal so much of an Act made in the last Session of Parliament, for reducing into One Act the general Laws relating to Turnpike Roads, as exempts Persons from the Payment of Tolls at Side Gates erected at Places specified in any Act of Parliament;* and also an Act made in the Fourteenth Year of His said late Ma-
14 G. 3. c. 82. jesty's Reign, intituled *An Act for explaining and altering an Act made in the Thirteenth Year of His present Majesty, intituled* '*An Act to explain, amend and reduce into One Act of Parliament,* '*the general Laws now in being for regulating the Turnpike Roads* '*in that Part of* Great Britain *called* England, *and for other Pur-* '*poses,*' *so far as the same relates to the Payment of additional Tolls at Weighing Engines, and the Number of Horses to be used in Carriages drawn on Turnpike Roads, and for allowing certain Exemptions with respect to Weight and Payment of Toll in particular Cases;* and also an Act passed in the Sixteenth Year of His
16 G. 3. c. 39. said late Majesty's Reign, intituled *An Act for repealing a Clause in an Act made in the Thirteenth Year of the Reign of His present Majesty, intituled* '*An Act to explain, amend and reduce into One* '*Act of Parliament, the general Laws now in being for regula-* '*ting the Turnpike Roads in that Part of* Great Britain *called* '*England, and for other Purposes,*' *which relates to the Countersinking of the Tire of the Wheels of all Waggons, Wains and other Carriages to be used on Turnpike Roads; and for explaining a Provision in the said Act, with respect to the Fellies and Tire of Carriages having the Fellies of the Wheels of the Gauge of Six Inches or upwards;* and also an Act passed in the Sixteenth Year
16 G. 3. c. 44. of His said late Majesty's Reign, intituled *An Act for suspending, for a limited Time, so much of an Act made in the Thirteenth Year of His present Majesty's Reign, intituled* '*An Act to ex-* '*plain, amend and reduce into One Act of Parliament, the general* '*Laws now in being for regulating the Turnpike Roads in that Part* '*of* Great Britain *called* England, *and for other Purposes,*' *as is to subject Carriages having the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches to the Payment of Double Tolls, and for vacating Contracts for leasing Tolls;* and also an Act passed in the Seventeenth Year of His said late Majesty's
17 G. 3. c. 16. Reign, intituled *An Act for limiting the Exemptions from Tolls (granted by any Act or Acts of Parliament for repairing Turnpike Roads,) on account of Cattle going to and from Water or Pasture;* and also an Act passed in the Eighteenth Year of His
G. 3. c. 28. said late Majesty's Reign, intituled *An Act for repealing so much of an Act made in the Thirteenth Year of His present Majesty's Reign, intituled* '*An Act to explain, amend and reduce into One* '*Act of Parliament, the general Laws now in being for regula-* '*ting the Turnpike Roads in that Part of* Great Britain *called* '*England, and for other Purposes,*' *as is to subject Carriages having the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches to the Payment of Double Tolls, and for vacating Contracts for leasing Tolls;* and also an Act passed in the Eighteenth

teenth Year of His said late Majesty's Reign, intituled *An Act for enabling Trustees under particular Turnpike Acts to meet and carry such Acts into Execution, notwithstanding they may not have met or adjourned agreeable to the Directions of such Acts, and for preventing Disputes touching the Payment of Tolls for Horses or Carriages belonging to or employed by Officers or Soldiers on Duty;* and also an Act passed in the Twenty first Year of His said late Majesty's Reign, intituled *An Act for declaring certain Provisions of an Act made in the Thirteenth Year of His present Majesty, relating to the Turnpike Roads in that Part of* Great Britain *called* England, *to extend to all Acts made and to be made for repairing Roads subsequent to the passing of the said Act;* and also an Act passed in the Twenty fifth Year of His said late Majesty's Reign, intituled *An Act to exempt Carriages carrying the Mail from paying Tolls at any Turnpike Gate in* Great Britain; and also an Act passed in the Fifty second Year of His said late Majesty's Reign, intituled *An Act to explain the Exemption from Toll in several Acts of Parliament, for Carriages employed in Husbandry, and for regulating the Tolls to be paid on other Carriages, and on Horses, in certain other Cases therein specified;* and also an Act passed in the Fifty third Year of His said late Majesty's Reign, intituled *An Act to amend an Act made in the Fifty second Year of His present Majesty's Reign, intituled 'An Act to explain 'the Exemption from Toll in several Acts of Parliament, for Car- 'riages employed in Husbandry, and for regulating the Tolls to be 'paid on other Carriages and on Horses in certain other Cases 'therein specified,' and for other Purposes relating thereto;* and also an Act passed in the Fifty fifth Year of His said late Majesty's Reign, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases;* and also an Act passed in the Fifty seventh Year of His said late Majesty's Reign, intituled *An Act to explain and amend an Act of the Fifty third Year of His present Majesty, relating to Tolls on Carriages used in Husbandry, and to remove Doubts as to Exemption of Carriages not wholly laden with Manure from Payment of Toll;* shall be and the same is and are hereby repealed.

18 G.3. c.63.

21 G.3. c.20.

25 G.3. c.57.

52 G.3. c.145.

53 G.3. c.82.

55 G.3. c.119.

57 G.3. c.37.

Not to revive repealed Acts.

II. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to revive or give any force or effect to any Act or Acts repealed by the said recited Acts, or any of them, but such Acts shall be and continue repealed, in such and the like manner as if this Act had not been made.

Proviso for the Recovery of Penalties incurred for Offences against Acts repealed.

III. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to prevent the suing for and Recovery of any Penalty incurred by any Offence committed against the Provisions of the said hereinbefore recited Acts, or any of them, previous to the Repeal of the said Acts in and by this Act, or to prevent or defeat any Prosecution commenced or to be brought for such Offence, but all Penalties incurred may be sued for, and all Encroachments, Nuisances and other Offences made or committed previous to the Repeal of the said Acts, against the Provisions of the said recited Acts, or any of them, may be abated or prosecuted

cuted in the same manner to all Intents and Purposes as if this Act had not been passed.

'IV. And Whereas it is of great Importance that one uniform System should be adhered to in the Laws for regulating the Management and Maintenance of Turnpike Roads throughout the Kingdom:' Be it therefore enacted, That from and after the First Day of *January* One thousand eight hundred and twenty three, all the Enactments, Provisions, Matters and Things in this Act contained, shall extend, and be deemed, construed and taken to extend, to all Acts of Parliament now in force, and to all Acts which shall hereafter be passed, for making, widening, turning, amending, repairing or maintaining any Turnpike Road or Roads in that Part of *Great Britain* called *England*, save and except where any other Commencement is particularly directed by this Act, and as to such Enactments, Provisions, Matters and Things as shall be expressly referred to, and varied, altered or repealed by any such Act or Acts as shall be hereafter passed.

After Jan. 1, 1823, this Act to extend to all Local Acts for making and repairing Turnpike Roads.

V. And be it further enacted, That from and after the First Day of *January* One thousand eight hundred and twenty six, if the Tire or Tires of any Wheel or Wheels of any Waggon, Cart or other such Carriage, which shall be used or drawn on any Turnpike Road, shall not be so made or constructed as not to deviate more than Half an Inch from a flat or level Surface in Wheels exceeding Six Inches in Breadth, or more than One Quarter of an Inch from a flat or level Surface in Wheels less than Six Inches in Breadth, or in case the several Nails of the Tire or Tires of every such Wheel or Wheels shall not be so countersunk as not to project above One Quarter of an Inch above the Surface of such Tire or Tires, then and in every such case the Owner of every such Waggon, Cart or other such Carriage, shall for every such Offence forfeit and pay the Sum of Five Pounds, and every Driver thereof the Sum of Forty Shillings.

After Jan. 1, 1826, Wheels of Waggons and other Carriages to be of Construction herein mentioned.

Penalty on Owner and Driver.

VI. And be it further enacted, That from and after the First Day of *January* One thousand eight hundred and twenty six, no Waggon or other such Carriage shall be allowed to travel or be used on any Road, with the Fellies of the Wheels thereof of a less Breadth than Three Inches; and from and after the Day and Year last mentioned, if any Waggon or other such Carriage, having the Fellies of the Wheels thereof of less Breadth than Three Inches, shall be used or drawn on any Turnpike Road, the Owner of every such Waggon or other such Carriage so used, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every Driver thereof, not being the Owner, any Sum not exceeding Forty Shillings.

Waggon, &c. using with Wheels of less Breadth than Three Inches.

Penalty.

VII. And be it further enacted, That from and after the said First Day of *January* One thousand eight hundred and twenty three, the Trustees or Commissioners appointed by virtue or under the Authority of any Act or Acts of Parliament made or to be made for making or maintaining any Turnpike Road, shall and they are hereby required to demand and take, or cause to be demanded and taken, for every Waggon, Wain, Cart or other such Carriage, having the Fellies of the Wheels thereof of less Breadth than Four and a half Inches at the Bottom or Soles thereof, or for the Horse

After Jan. 1, 1823, Waggons, &c. having the Fellies of Wheels of different Breadths to pay different Tolls herein mentioned.

Horse or Horses or Cattle drawing the same, One half more than the Tolls which are or shall be payable for any Carriage of the same Description, having the Wheels thereof of the Breadth of Six Inches: and for every Waggon, Wain, Cart or other such Carriage having the Fellies of the Wheels thereof of the Breadth of Four and a half Inches, and less than Six Inches at the Bottom or Soles thereof, or for the Horse or Horses or other Cattle drawing the same, One fourth more than the Tolls or Duties which are or shall be payable on any Carriage of the like Description, having the Wheels thereof of the Breadth of Six Inches, by any Act or Acts of Parliament now in force, or hereafter to be passed for making or maintaining any Turnpike Road, before any such Waggon, Wain, Cart or other Carriage respectively shall be permitted to pass through any Turnpike Gate or Gates, Bar or Bars, where Tolls shall be payable by virtue of any such Acts.

Proviso for certain Scales of Tolls in former Acts.

VIII. Provided always, and be it further enacted, That where any particular Act or Acts of Parliament now in force for the making, repairing or maintaining any Turnpike Road, shall direct an higher Rate of Toll or Tolls to be taken on any Waggon, Wain, Cart or other such Carriage, having the Fellies of the Wheels thereof of less Breadth than Six Inches, and such higher Rate is more than the Addition which is hereinbefore directed to be taken, such higher Rate of Tolls in and by such Act or Acts imposed shall continue to be levied and collected on the Road or Roads to which the said Act or Acts relate, in the Proportions therein fixed.

Where Waggons or Carts are constructed in a particular Manner, Trustees may make Order that Toll to be taken shall not be less than Two thirds of the full Toll.

IX. And be it further enacted, That where any Waggon or Cart shall have the Sole or Bottom of the Wheels thereof rolling on a flat Surface, and the Nails of the Tire of such Wheels countersunk and be cylindrical, (that is to say) of the same Diameter on the Inside next the Carriage as on the Outside, so that when such Wheels shall be rolling on a flat or level Surface, the whole Breadth thereof shall bear equally on such flat or level Surface, and shall have the opposite Ends of the Axletrees of such Waggon, Cart or other Carriage, so far as the same shall be inserted into the respective Naves of the Wheels thereof, horizontal, and in the Continuance of One straight Line, without forming any Angle with each other, and in each Pair of Wheels belonging to such Carriage, the lower Parts when resting on the Ground shall be at the same Distance from each other as the upper Parts of such Wheels, it shall and may be lawful for the Trustees or Commissioners of any Turnpike Road, at a General Meeting, if they shall think fit so to do, to make an Order for every such Waggon and Cart to pass through any Toll Gate or Bar under the Superintendance of the Trustees or Commissioners making such Order, upon paying only so much of the Tolls and Duties as shall not be less than Two thirds of the full Toll or Duty payable by any Turnpike Act, on such Waggon, Cart or other Carriage, and the Horse or Horses or Cattle drawing the same.

Breadth of Wheels not to extend to Coaches, &c.

X. Provided always, and be it further enacted, That nothing herein contained relating to the Breadth of the Wheels of Carriages, or to the Tolls payable thereon, shall extend or be construed to extend to any Chaise Marine, Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Break, Chaise, Curricle, Gig, Chair

Chair or Taxed Cart, Market Cart or other Cart for the Conveyance of Passengers or Light Goods or Articles.

Power to Trustees to measure Wheels.

XI. And be it further enacted, That it shall and may be lawful for any Trustee or Commissioner of any Turnpike Road, and for every Collector or his Deputy or Deputies, or other Person acting by or under the Authority of the Trustees or Commissioners of any Turnpike Road, or of their Lessee or Lessees of Tolls, to measure and examine, or cause to be measured and examined, the Breadth and Construction of the Wheels of every Waggon, Cart or other such Carriage passing on such Turnpike Road; such Measurement and Examination to take place, if the Trustee, Commissioner or other authorized Persons making the same shall so require, previously to such Waggon, Cart or other Carriage being allowed to pass through any Toll Gate or Bar at which Toll shall be payable; and if any Owner or Driver of any such Waggon, Cart or other Carriage, shall turn or drive out of the Road, in order to avoid or evade the measuring of the Wheels of such Waggon, Cart other Carriage, or if any such Owner, Driver or any other Person, shall refuse to allow the Wheels of any such Waggon, Cart or other Carriage to be measured, and the Construction thereof examined, or shall attempt to pass through any Toll Gate or Bar before such Measurement and Examination shall be made (the same having been required,) or shall in any way hinder or obstruct any such Trustee or Commissioner, or other authorized Person, in making such Measurement and Examination, every such Owner, Driver or other Person so misbehaving, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and that it shall not be lawful for any such Waggon, Cart or other Carriage, not permitted to be measured or examined as aforesaid, to pass along any Turnpike Road; and if any Collector or his Deputy, or any other Person appointed to collect the Tolls, shall allow the same to pass before such Measurement and Examination shall be made (the same having been required), every Collector, Deputy or other Person, shall for every Offence forfeit and pay any Sum not exceeding Five Pounds.

Obstructing Measurement.

Penalty.

Toll Collector allowing Waggons to pass before Measurement, &c.

Penalty.

Regulating the Weights of Waggons, &c.

XII. And for regulating the Weights to be allowed to Waggons, Wains, Carts and other Carriages, be it further enacted, That the Weights hereafter next specified shall be allowed to every Waggon, Wain, Cart or other such Carriage, (that is to say), to every Waggon, Wain or other Four wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Nine Inches at the Bottom or Soles thereof, together with the Loading of such Carriage, Six ton ten hundred Weight in Summer, and Six Ton in Winter; to every Cart or other such Two wheeled Carriage, having the Fellies of the Wheels thereof of the like Breadth, together with the Loading of such Carriage, Three ton ten hundred Weight in Summer, and Three Ton in Winter; to every Waggon, Wain or other such Four wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches and less than Nine Inches at the Bottom or Soles thereof, together with the Loading of such Carriage, Four ton fifteen hundred Weight in Summer, and Four ton five hundred Weight in Winter; to every Cart or other such Two wheeled Carriage, having the Fellies of the Wheels of the Breadth

Breadth last mentioned at the Bottom or Soles thereof, together with the Loading of such last mentioned Carriage, Three Tons in Summer, and Two tons fifteen hundred Weight in Winter; to every Waggon, Wain or other such Four wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a half and less than Six Inches at the Bottom or Soles thereof, together with the Loading of such Carriage, Four ton five hundred Weight in Summer, and Three ton fifteen hundred Weight in Winter; to every Cart or other such Two wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth last mentioned at the Bottom or Soles thereof, together with the Loading of such Carriage, Two ton twelve hundred Weight in Summer, and Two ton seven hundred Weight in Winter; to every Waggon, Wain or other such Four wheeled Carriage, having the Fellies of the Wheels thereof of a less Breadth than Four Inches and a half at the Bottom or Soles thereof, together with the Loading of such Carriages Three ton fifteen hundred Weight in Summer, and Three ton five hundred Weight in Winter; to every Cart or other such Two wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth last mentioned, together with the Loading of such Carriage, One ton fifteen hundred Weight in Summer, and One ton ten hundred Weight in Winter; and for the several Purposes of this Act, it shall be deemed Summer from the First Day of *May* to the Thirty first Day of *October*, both Days inclusive, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive.

Additional Weights for Carriages built with Springs.

XIII. And be it further enacted, That to every Caravan or other Four wheeled Carriage used for the Conveyance of Goods, and built and constructed with Springs, shall be allowed the Weights following; that is to say, for every such Carriage Three tons and fifteen hundred Weight in Winter, and Four tons five hundred Weight in Summer.

Allowance to Two wheeled Drays drawn with Three Horses.

XIV. Provided always, and be it further enacted, That to each and every Dray with Two Wheels of not less than Four Inches and a half in Breadth, and drawn by not more than Three Horses, and used in *London*, or within the Bills of Mortality, there shall be allowed at all Times of the Year, together with the Loading of such Dray, the full Weight of Two tons sixteen hundred Weight; any thing in this or any other Act of Parliament to the contrary notwithstanding.

Additional Tolls for Overweight.

XV. And be it further enacted, That it shall and may be lawful for all Trustees and Commissioners appointed by or under any Act or Acts of Parliament for the making or maintaining of any Turnpike Road, or for any Person or Persons authorized by them, and they are hereby empowered and required, to receive, take and demand, over and above the Tolls payable by any Act or Acts of Parliament now in force or hereafter to be passed, the following Sums of Money as additional Toll for every Hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Cart or other such Carriage, together with the Loading thereof, shall weigh at any Weighing Engine over and above the Weights hereinbefore allowed to each of them respectively, (that is to say); For the First and Second Hundred of such Overweight, the Sum of Three Pence for each Hundred; for every Hundred of such Overweight

Overweight above Two Hundred and not exceeding Five Hundred, the Sum of Six Pence; for every Hundred of such Overweight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Six Pence; and for every Hundred of such Overweight exceeding Ten Hundred, the Sum of Five Shillings; which said additional Sums or Tolls hereby granted and made payable at any Weighing Engine, shall and may be levied and recovered in any of the Cases aforesaid, in such manner as any other Toll or Duty payable on the Road on which any such Weighing Engine shall be erected, is or shall be by Law to be levied and recovered, and the Monies arising therefrom shall be applied to the Repairs of the Turnpike Road on which the same shall be recovered.

How applied.

Regulations as to Weight not to extend to Manure, &c.

XVI. Provided always, and be it further enacted, That the Regulations of Weight hereinbefore mentioned and provided, shall not extend or be deemed or construed to extend to any Waggons, Carts or other Carriages carrying only Manure or Lime for the Improvement of Land, or any Hay, Straw, Fodder or Corn unthrashed, except Hay, Straw, Fodder or Corn carried for Sale; nor to any Waggons, Carts or other Carriages, carrying only One Tree or One Log of Timber, or One Block of Stone, or One Cable or Rope; nor shall the said Regulations of Weight extend to any Chaise Marine, Coach, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Break, Gig, Chaise or Taxed Cart.

Certain Contractors of Tolls may be released from their Contracts, so far as regards Tolls or Penalties for Overweight, on giving Notice to Treasurer or Clerk of Trustees by September 1, 1822.

'XVII. And Whereas many Persons may at the Time of pass-
'ing this Act be Farmers or Contractors for the Tolls arising or
'payable on Turnpike Roads, and for Tolls and Penalties for
'Overweight, and whose Contracts will not expire until after the
'First Day of *January* One thousand eight hundred and twenty
'three;' for Remedy whereof, and for Protection of such Lessees or Contractors, be it further enacted, That in case any Lessee or Lessees, Farmer or Farmers, Contractor or Contractors for any Toll or Tolls and Penalties for Overweight, payable to any Trustees or Commissioners appointed by virtue of any Act of Parliament for making, repairing or amending Turnpike Roads, whose Contract will not expire until after the First Day of *January* One thousand eight hundred and twenty three, shall by reason of this Act be desirous of being discharged from his, her or their Contract or Contracts, so far as regards such Tolls or Penalties for Overweight, and of such his, her or their Desire shall, on or before the First Day of *September* One thousand eight hundred and twenty two, give Notice in Writing to the Treasurer or Clerk of any such Trustees, then and in every such case all such Farmers, Lessees or Contractors shall, from and after the said First Day of *January* One thousand eight hundred and twenty three, be released and discharged from their respective Contracts, so far as the same relate to such Tolls or Penalties for Overweight; and all and every such Contracts shall from thenceforth cease and be null and void as to the Residue of the Term or Time then to come and unexpired therein, so far as such Contracts relate to such Tolls or Penalties for Overweight; any thing in such Leases or Agreements to the contrary notwithstanding.

New Contracts may be made

XVIII. Provided also, and be it enacted, That in case any such Lessee or Lessees, Farmer or Farmers, Contractor or Contractors, shall

shall give such Notice of determining his, her or their Contract as hereinbefore mentioned, then and in every such case it shall be lawful for such Trustees or Commissioners, if they think fit, to make any new Contract or Contracts with such Lessee or Lessees, Farmer or Farmers, Contractor or Contractors, or to make any Compensation to him, her or them, in respect of such Tolls or Penalties for Overweight, or to cause the said Tolls or Penalties for Overweight to be relet on a Day and at a Place to be by them appointed, of which One Month's Notice at least shall be given, and thereupon to proceed to relet the same, and to relet the same for the best Price they may then be enabled to obtain for the same, without being compelled to put up the said Tolls or Penalties for Overweight at the Sum at which they were last let, or to have any other Meeting for the letting thereof; any Law or Custom to the contrary notwithstanding.

with Contractors.

XIX. And be it enacted, That it shall not be lawful for the Trustees or Commissioners of any Turnpike Road, their Lessee or Lessees, Collector or Collectors, or other Officers, to make any Composition for any additional Tolls or Duties for or in respect of the Overweight, or in any other manner as to the Weight which any Waggon, Wain, Cart or Carriage shall carry or weigh, any Law to the contrary thereof notwithstanding; but every Contract and Agreement for such Composition for Overweight shall be null and void to all Intents and Purposes whatsoever; and every Lessee, Collector or other Officer entering into or agreeing to any such Composition, and every Person or Persons with whom any such Composition or Agreement shall be made or entered into, shall for every such Composition or Agreement, and for every Abatement of Toll for Overweight in consequence thereof respectively, forfeit and pay the Sum of Fifty Pounds to any Person or Persons suing for the same.

Trustees not to make Composition for Overweight.

Penalty, 50l.

XX. And be it further enacted, That if any Person or Persons shall unload, or cause to be unladen, any Goods, Wares or Merchandize, from any Cart, Waggon or other Carriage, at or before the same shall come to any Turnpike Gate or Weighing Engine erected by virtue or in pursuance of this or any other Act made for the Repair or Preservation of any Turnpike Road, or shall load or lay upon such Carriage after the same shall have passed any such Turnpike or Weighing Engine, any Goods, Wares or Merchandize, taken or unladen from any Horse, Cart or other Carriages belonging to or hired or borrowed by the same Waggoner or Carrier, in order to avoid the Payment of the said respective Duties payable for Overweight; or if any Person shall so unload in order to carry considerable Quantities of Goods through any Turnpike Gate or by any Weighing Engine in one and the same Day, and thereby pay less Toll at such Turnpike Gate or Weighing Engine than would have been paid if such Goods, Wares or Merchandize had not been so unladen; or if any Driver of any Waggon or Cart shall not wait a reasonable Time whilst any other Carriage shall be weighed, which shall have come to the Weighing Engine before the Carriage of which he shall be the Driver; or if the Driver of any Waggon or Cart shall refuse or delay to remove or drive any such Waggon or Cart from the Weighing Machine, in order by such Neglect or Refusal to impede or delay the Weighing

Unloading Goods, &c. to evade Toll, or obstructing weighing, or after having passed, loading Goods before unloaded, Penalty, 5l. on Owner of Waggon, &c. and not exceeding 40s. on Driver.

Weighing of any other Waggon or Cart, or shall turn or drive out of any Road in order to avoid or evade the Weighing of any Waggon or Cart; each and every Person so offending in any of the Cases aforesaid†, and being thereof lawfully convicted before One or more Justice or Justices of the Peace for the Limit where the Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses, shall forfeit and pay the Sum of Five Pounds†, to be levied upon the Goods and Chattels of the Owner of such Cart, Waggon or other Carriage†; and each and every Driver, not being the Owner of such Waggon or Carriage, so offending, and being thereof convicted as aforesaid, shall forfeit and pay any Sum not exceeding Forty Shillings, and in case of Nonpayment thereof, shall be committed to the House of Correction for any Time not exceeding Two Calendar Months.

† Sic.

Penalty on Driver, not paid, Imprisonment.

Power given for erecting Weighing Machines.

XXI. And be it further enacted, That it shall and may be lawful for the said Trustees or Commissioners, at any of their respective Meetings, if they think proper, to order and cause to be built and erected, at any of the Turnpikes or Toll Gates on the Roads under their Care and Management, or at such Distance therefrom as they shall think expedient, One or more Crane or Cranes, Machines or Engines, with a suitable House or other Building thereto, proper for the Weighing of Waggons or Carriages conveying any Goods or Merchandize whatsoever, and by Notice on a Board for that Purpose, to be put up at every such Weighing Machine, to order and direct all and every such Waggons or Carriages which shall come within One hundred Yards of any Crane, Machine or Engine, to be weighed, together with the Loading thereof.

Toll Keepers permitting Waggons, &c. of greater Weight than allowed, to pass without Toll.

XXII. And be it further enacted, That the Keeper of every Toll Gate or Bar where any Weighing Engine shall be erected, or any other Person appointed or to be appointed by the Trustees or Commissioners, or by their Lessee or Lessees, to the Care of such Weighing Engine, shall and is hereby required to weigh all such Waggons, Carts and other Carriages liable to be weighed, which shall pass loaded through such Gates or Bars respectively, and which he shall believe to carry greater Weights than are allowed to pass without paying the said additional Toll; and if any Collector or Person so appointed shall permit any such Waggon, Cart or other Carriage to pass by or through any such Toll Gate with greater Weights than are hereby allowed, without weighing the same and receiving such additional Tolls as aforesaid, he shall for every such Offence forfeit the Sum of Five Pounds; and if the Owner or Driver of any Waggon, Cart or other Carriage shall refuse to allow the same to be weighed, or shall resist any Gate Keeper or Toll Collector in weighing the same, every Owner or Driver so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty 5l.

Obstructing Weighing.

Penalty.

Trustees, &c. may cause Waggons, &c. to return to be weighed, in case of Neglect of Duty of Collector.

'XXIII. And in order to detect the said Collector or Receiver 'in any fraudulent Contrivance or Neglect of Duty in the Matters 'aforesaid,' Be it further enacted, That it shall and may be lawful for any Trustee or Commissioner or Surveyor of every Turnpike Road, if he shall suspect any such Connivance or Neglect as aforesaid, to cause any Waggon, Cart or other Carriage which shall have passed through any Toll Gate where any Weighing Engine shall be erected, and shall not have passed above Three hundred Yards beyond

yond such Toll Gate, to return to such Weighing Engine, and be there Weighed with the Loading which passed through such Toll Gate, in the Presence of such Trustee or Commissioner or Surveyor, upon requiring the Driver thereof to drive such Carriage back to such Weighing Engine, and upon paying or tendering to him the Sum of One Shilling for so doing, which Sum of One Shilling shall be returned to the Person paying the same, if upon weighing such Carriage and the Loading thereof it shall be found above the Weight hereby allowed.

Surveyors to make Places for turning Carriages to Weighing Engines.

'XXIV. And for the better enforcing the Authority of this Act,' Be it further enacted, That the Surveyors of every Turnpike Road shall, and they are hereby authorized and required to make convenient Places for turning such Carriages upon every such Turnpike Road where any Weighing Engine shall be erected, within Three hundred Yards of such Toll Gate, on each Side thereof, if the Ground will admit of the same; and if the Driver of any such Carriage, being so requested to return with his Carriage to such Weighing Engine, shall neglect or refuse so to do, he shall forfeit any Sum not exceeding Five Pounds; and it shall and may be lawful for any Peace Officer or other Person or Persons being then present, upon such Neglect or Refusal, to drive and take such Carriage back to such Weighing Engine, in order to be weighed as aforesaid.

Drivers refusing to return.

Penalty.

Proviso as to Weighing Engines where Turnpike Roads on different Trusts meet.

XXV. Provided also, and be it further enacted, That when Two or more Turnpike Roads meet at or near the same Place, it shall and may be lawful for the Trustees or Commissioners of such Turnpike Roads respectively, at a Meeting to be held for that Purpose, to fix upon some convenient Place to erect a Weighing Engine upon, which will accommodate all such Turnpike Roads, and by agreement amongst themselves at such Meeting to proportion the Expences which may attend the making, erecting, maintaining and keeping in repair such Weighing Engine, and likewise the Money arising from Forfeitures to be incurred for Overweight at such Weighing Machine, amongst all such Turnpike Roads, in such manner as to them shall appear just and reasonable.

Exemptions from Toll on Manure, &c. in force though carried into or brought from adjoining Parish.

XXVI. And be it further enacted, That in every case in which, under any Act or Acts of Parliament relating to any Turnpike Road, there is an Exemption from Toll or Duty in respect of any Horse, Mule, Ass, Ox, Waggon, Cart or other Carriage, drawing or carrying any Dung, Mould, Marl or Compost, of any Nature or Kind soever, for improving or manuring the Land, or Hay, Straw or any other Fodder for Cattle, or Materials for repairing any Turnpike Road or Highway, such Exemption shall be deemed to extend in respect of every such Waggon, Cart or other Carriage, and also in respect to the Cattle drawing the same, going empty or loaded only with Implements necessary for more convenient Carriage, or loading or unloading such Lading, or returning empty or with such Implements as aforesaid, having been so laden, notwithstanding the said Waggon, Cart or other Carriage shall, for the Purpose aforesaid, go to or return from any Parish or Place in which the said Turnpike does not lie.

Tolls payable on Waggons going empty for Road Materials,

XXVII. Provided always, and be it further enacted, That for the preventing of Frauds on Toll Collectors by Waggons, Carts or other Carriages passing empty, or loaded only with Implements

&c. to be repaid when returning laden.

necessary for the more convenient Carriage of, or for loading or unloading Manure, or Materials for the Repair of any Turnpike Road or Highway, through Turnpike Gates, under pretence of going for such Manure or Materials, the Owner or Driver of every such empty Waggon, Cart or Carriage, claiming the same Exemptions or any of them, shall in all Cases pay the Toll in respect of such Waggon, Cart or other Carriage, before the same shall be permitted to pass through such Turnpike Gate; and the Collector of such Toll shall thereupon deliver to such Owner or Driver a Ticket, to be marked "Manure Exemption" or "Road Materials" (as the case may be), with the Name of the Gate and the Date when delivered, and the Amount of the Toll so paid; all which Sum or Sums so paid shall be repaid to the Owner or Driver of such Waggon, Cart or other Carriage, upon his or their returning with such Waggon, Cart or other Carriage so laden as aforesaid, and producing such Ticket; and every Collector of such Toll refusing to give such Ticket on receiving the Toll, or refusing or neglecting to return the same Toll upon the return of such Waggon, Cart or other Carriage so laden, and Redelivery of the "Manure Exemption" or "Road Materials" Ticket, as the case may be, shall for every such Offence forfeit and pay to the Owner of such Waggon, Cart or other Carriage, a Penalty of not more than Five Pounds, upon Conviction thereof before One or more Justice or Justices of the Peace for the County, Riding, Division or Place where such Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses.

Refusing to give Exemption Ticket or to return Toll.

Penalty to Owner.

Toll not taken on account of Baskets, &c. being in Waggons, &c. laden with Manure, &c.

XXVIII. And be it further enacted, That the Owner or Driver of any Waggon, Cart or other Carriage laden with Manure for Land, or Materials for any Turnpike Road or Highway, passing through any Turnpike Gate, or otherwise passing on or across any Turnpike Road, shall not be liable to pay any Toll, nor shall any Toll be demanded for such Carriage so laden, or the Cattle drawing the same, by reason only of any Basket or Baskets, empty Sack or Sacks, or Spade, Shovel or Fork necessary for loading or unloading such Manure or Materials, being in or upon any such Waggon, Cart or other Carriage, in addition to such Manure or Materials, if the Loading thereof is substantially Manure for Land, or Materials for the Repair of any Turnpike Road or Highway as aforesaid; any thing in any Act contained to the contrary thereof notwithstanding.

Post Horses having passed through any Gate may return Toll free before Nine in the Morning of the following Day.

XXIX. And be it further enacted, That all Horses travelling for Hire under the Post Horse Duties Acts, having passed through any Turnpike Gate erected or to be erected on any Turnpike Road, drawing any Carriage in respect of which any Toll shall have been paid, on returning through the Turnpike Gate at which the Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage, or drawing such Carriage, the same being empty, and without a Ticket denoting a fresh Hiring, shall be permitted to repass Toll free, although such Horses or Carriage shall not have passed through such Turnpike Gate on the same Day; provided that such Horses so travelling shall return before Nine of the Clock of the Morning succeeding the Day on which they first passed the Turnpike Gate at which the Toll shall have been paid.

XXX. And

Horses having passed through a Gate, and returning drawing a Carriage, Toll paid on Horses deducted.

XXX. And be it further enacted, That where any Horse or Horses shall pass through any Turnpike Gate on any Road, not drawing any Carriage, and a Toll shall be paid on such Horse or Horses at such Turnpike Gate, and the same Horse or Horses shall return drawing any Carriage on the same Day, or within Eight Hours after their first passing through such Gate, the Toll paid on such Horse or Horses on their originally passing shall be deducted from the Toll payable on the same when drawing the Carriage to which they shall be attached on their Return, so that no higher Toll shall in the whole be taken than if such Horse or Horses had in the first place passed through such Turnpike Gate drawing the said Carriage.

Tolls to be paid upon Carriages affixed to others.

'XXXI. And Whereas Coaches, Chariots, Chaises, Chairs, Carts 'and other Carriages, sometimes pass through Turnpike Gates 'affixed, tied or secured to Waggons or Carts, and Horses are 'sometimes sent under the Charge of the Drivers of such Waggons 'and Carts, and are fastened thereto; and it is expedient to de-'termine what Tolls such Coaches, Chariots, Chaises, Chairs, Carts 'and other Carriages, and Horses, ought to pay on passing through 'such Gates;' Be it therefore enacted, That where by any Act for repairing any Turnpike Road no Toll is directed to be taken for or in respect of any Coach, Chariot, Chaise, or any other Carriage whatsoever with Four Wheels, passing through any Turnpike Gate, on such Road, affixed, tied or secured to any Waggon or Cart, the same Toll, and no more, shall and may be demanded and taken for and in respect of such Coach, Chariot, Chaise or other Carriage, as if the same had passed through drawn by Two Horses; and where by any Act for repairing any Turnpike Road no Toll is directed to be taken for or in respect of any Chair, Cart or other Carriage whatsoever, with Two Wheels only, passing through any Turnpike Gate on such Road, so affixed, tied or secured to any Waggon or Cart as aforesaid, the same Toll, and no more, shall and may be demanded and taken for and in respect of such Chair, Cart or other Carriage with Two Wheels only, as if the same had passed through drawn by One Horse only; and where any Horse shall be fastened to but not used in drawing any Waggon, Cart or other Carriage, such Horse shall not be liable to a higher Toll than a single Horse; provided that if any Coach, Chariot, Chaise, Chair, Cart or other Carriage so affixed, tied or secured to any Waggon or Cart, shall have any Goods conveyed therein other than the Harness thereto belonging, and such Articles of Package as may be necessary for the Protection of such Carriages, the same shall be liable to Double the Toll hereby imposed.

Exemptions from Tolls: Horses and Carriages attending His Majesty, &c. or conveying Materials for Roads and Bridges; † &c.

XXXII. And be it further enacted, That no Toll shall be demanded or taken by virtue of this or any other Act or Acts of Parliament, on any Turnpike Road, for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom †; or of or from any Person or Persons, for an Horse or Horses or other Beast or Cattle, or for any Waggon, Wain, Cart or other Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel or other Materials for making or repairing any Turnpike

Road or public Highway, or for building, rebuilding or repairing any present or any future Bridge or Bridges on any such Road or public Highway, or of or from the Surveyor of any Turnpike Road when engaged in executing or proceeding to execute, within the Limits of his own or any adjoining Trust, the Powers of this or any other Act or Acts of Parliament for repairing, maintaining or relating to any Turnpike Road; or for any Horse, Beast or other Cattle or Carriage employed in carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost or Manure (save and except Lime) for improving Lands, or any Ploughs, Harrows or Implements of Husbandry (unless laden also with some other Thing not hereby exempted from Toll,) or any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder or Corn in the Straw, Potatoes or other Agricultural Produce, and which has not been bought, sold or disposed of, nor is going to be sold or disposed of, or for any Horses or other Beasts employed in Husbandry going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shoed or farried, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the Turnpike Road on which the Exemption shall be claimed; or of or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or of or from any other Person or Persons going to or returning from his, her or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any Day on which Divine Service is by Authority ordered to be celebrated; or of or from any Inhabiant of any Parish, Township or Place, going to or returning from attending the Funeral of any Person who shall die and be buried in the Parish, Township or Hamlet in which any Turnpike Road shall lie; or from any Rector, Vicar or Curate going to or returning from visiting any sick Parishioner, or on other his Parochial Duty within his Parish; or for Horses, Carts or Waggons employed only in carrying or conveying any Vagrant sent by a legal Pass, or any Prisoner sent by any legal Warrant, or returning empty after having been so employed; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage or Waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded or disabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack, or Commissariat or other Public Stores

or Manure (except Lime);

or Agricultural Produce not sold or for Sale;

Horses employed in Husbandry, &c.;

Persons going to or returning from Church;

attending Funerals;

Ministers attending their Duty;

conveying Vagrants;

conveying the Mails;

Horses of Officers or Soldiers on Duty;

conveying Baggage, Sick, Ordnance or Public Stores;

Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection or Review, or on other Public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horses or Carriages carrying or conveying any Person or Persons to or from any Election or Elections of a Knight or Knights of the Shire to serve in Parliament for the County or Counties in which such Turnpike Road shall be situated; or for any Horses or Carriages which shall only cross any Turnpike Road, or shall not pass above One hundred Yards thereon.

Horses and Carriages used by Corps of Yeomanry, &c.; Conveying Persons to or from County Elections; crossing Roads, &c.

XXXIII. Provided always, and be it enacted, That so much of this Act as directs that no Toll shall be demanded or taken from any Person or Persons going to or returning from his, her or their proper Parochial Church or Chapel, or of or from any other Person or Persons going to or returning from his, her or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any Day on which Divine Service is ordered by Authority to be celebrated, shall not extend or be construed to extend so as to exempt any such Person or Persons from the Payment of Toll at any Turnpike Gate or Gates situate within the Distance of Five Miles of the *Royal Exchange* in the City of *London*, or within the Distance of Five Miles of *Westminster Hall* in the City and Liberties of *Westminster*.

Extent of Exemption from Toll on Sundays, &c. for Persons going to and returning from Church.

XXXIV. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend, so as to exempt any Waggon, Cart or other Carriage laden with Dung, Soil, Compost or Manure for manuring Land, or any Horse or other Beast drawing the same, from any Toll imposed in respect thereof by virtue of any Local Act or Acts now passed, whereby such Toll has been imposed for the Maintenance of the Roads therein respectively mentioned.

Waggon, &c. laden with Manure, liable if imposed by Local Act.

XXXV. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any additional Toll, Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Carriages conveying King's Stores, &c. not liable to Penalties for Overweight.

Fraudulently taking Benefit of Exemption.

XXXVI. And be it further enacted, That if any Person or Persons shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any Exemption from Toll or from Overweight, or for using any additional Horse or Horses, or of any other Exemption or Exemptions whatsoever in this Act contained, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty.

Trustees to put up a Table of Tolls.

XXXVII. And be it further enacted, That on or before the First Day of *January* One thousand eight hundred and twenty three, the Trustees and Commissioners of every Turnpike Road shall and they are hereby required to put up or cause to be put up, and afterwards to be continued at every Toll Gate within their respective Districts, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls, and the different Sorts of Carriages for which they are to be paid, where there shall be any Variation therein, and also a List of the several Gates which shall be wholly or partially cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and the said Trustees or Commissioners shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Payment, one of which Tickets shall be delivered *gratis* to the Person paying the Toll; and on the Production of such Ticket at any Gate or Gates therein mentioned as being cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned, without paying any further or additional Toll.

Tickets denoting Payment of Toll to be provided and delivered to Persons paying Toll.

Two Oxen to be considered as One Horse.

XXXVIII. And be it further enacted, That in all Carriages wherein Oxen or Neat Cattle shall be used, Two Oxen or Neat Cattle shall be considered as One Horse, for all the Purposes mentioned in this Act or any particular Turnpike Act with respect to Tolls or other Things.

Recovery of Tolls.

XXXIX. And be it further enacted, That if any Person subject or liable to the Payment of any of the Toll or Tolls under and by virtue of this or any other Act of Parliament for making, repairing or maintaining any Turnpike Road, shall, after Demand thereof made, neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized or appointed to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage or other Thing, upon or in respect of which any such Toll is imposed, together with their respective Bridles, Saddles, Gears, Harness or Accoutrements, (except the Bridle or Reins of any Horse or other Beast, separate from the Horse or Beast), or any Carriage in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll or any Part thereof, so neglected

Collector may distrain.

or

or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriages or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress and Sale shall be deducted.

If Toll and Charges not paid in Four Days, Distress may be sold.

XL. And be it further enacted, That if any Dispute shall happen or arise about the Amount of the Tolls due, or the Charges of making, keeping or selling any Distress made for Nonpayment of any Tolls, it shall be lawful for the Collector or the Person distraining, to retain such Distress or the Money arising from the Sale thereof (as the case may be), until the Amount of the Tolls due and the Charges of the making, keeping and selling the Distress be ascertained by some Justice of the Peace for the County, Division or Place wherein the Turnpike or Toll Gate at which the Toll in Dispute shall be payable shall or may be situate, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Justice of Peace may settle Disputes concerning Tolls.

Costs.

XLI. And be it further enacted, That if any Person shall with any Horse, Cattle, Beast or Carriage, go off or pass from any Turnpike Road, through or over any Land or Ground near or adjoining thereto, (not being a public Highway, and such Person not being the Owner or Occupier or Servant or One of the Family of the Owner or Occupier of such Land or Ground) with Intent to evade the Payment of the Tolls granted by any Act of Parliament; or if any Owner or Occupier of any such Land or Ground shall knowingly or willingly permit or suffer any Person, (except as aforesaid), with any Horse, Cattle, Beast or Carriage whatsoever, to go or pass through or over such Land or Ground with Intent to evade any such Tolls; or if any Person shall give or receive from any Person other than the Collectors of the Tolls, or forge, counterfeit or alter any Note or Ticket directed to be given, with Intent to evade the Payment of the Tolls, or any Part thereof; or if any Person shall fraudulently or forcibly pass through any such Toll Gate with any Horse, Cattle, Beast, or Carriage; or shall leave upon the said Road any Horse, Cattle, Beast or Carriage whatsoever, by reason whereof the Payment of any Tolls or Duties shall be avoided or lessened; or shall take off or cause to be taken off, any Horse or other Beast or Cattle from any Carriage, either before or after having

Evading Tolls.

Forging, &c. Tickets.

Forcibly, &c. passing.

Taking off Horses, &c.

or afterward adding Horses, &c.

having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of any Turnpike Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage after the same shall have passed through any Toll Gate, whereby the Payment of all or any of the Tolls shall or may be evaded; or if any Person shall do any other Act whatever in order or with Intent to evade the Payment of all or any of the Tolls, and whereby the same shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty.

Trustees may compound for Tolls for a Term not exceeding Three Years.

XLII. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of any Turnpike Roads, from time to time as they shall see convenient, to compound and agree for any Term not exceeding Three Years at any one time, with all or any of the Inhabitants of the several Parishes, Hamlets or Places, to or through which such Road may lead or pass, for the passing of their Horses, Cattle or Carriages through all or any of the Toll Gates to be erected on such Road, or on the Sides thereof; which Composition shall be paid yearly in advance, and in default thereof, the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such manner as the Tolls are directed to be paid and applied: Provided always, that no such Composition shall extend to the additional Tolls for Overweight hereinbefore directed to be taken; but all such additional Tolls shall be demanded and recovered notwithstanding any Composition for Tolls.

Such Composition not to extend to Overweight.

Trustees may reduce Tolls;

XLIII. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners appointed in and by virtue of any Act of Parliament for the repairing and amending any Turnpike Roads, in case no Power or effectual Power should be given to them under the Act by which they are appointed, and they are hereby empowered, at a Meeting to be held for that Purpose (of which One Calendar Month's Notice shall be given in Writing, to be affixed on all Turnpike Gates which shall be then erected upon such Roads, and in some Public Newspaper circulated in that part of the Country), from time to time to lessen and reduce all or any of the Tolls granted by any of the said respective Acts, for and during such Time as the said Trustees or Commissioners shall think proper; and afterwards at any Meeting to be held as aforesaid, from time to time, as they shall see Occasion, to advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the several Rates granted by such Acts of Parliament and this Act respectively: Provided nevertheless, that where the whole Money borrowed on the Credit of the Tolls granted by any such Act shall not have been paid and discharged, no such Tolls shall be lessened or reduced without the Consent of the Person or Persons entitled to Five sixths of the Money remaining due upon such respective Tolls.

and afterwards advance them.

No Reduction without Consent of Creditors on Toll in certain Cases.

Reduction or Advance of Tolls to be made proportionably.

XLIV. Provided also, and be it further enacted, That in all cases where the Trustees or Commissioners of any Turnpike Road shall reduce or advance the Tolls on the Road or Roads for which they shall act, such Reduction or Advance shall be made as to

Waggons,

Waggons, Carts and other Carriages, the Breadth of the Wheels whereof is regulated by this Act, with reference to the Proportion or Scale of Tolls payable on such Waggons, Carts or other Carriages, according to the Breadth of the Wheels thereof; (that is to say), the Trustees or Commissioners making the Reduction or Advance shall reduce or advance the Toll payable on Waggons, Carts or other such Carriages, having the Fellies of the Wheels thereof of the Breadth of Six Inches, and shall then take and demand double or other Proportions (as the case may be) of such reduced or advanced Tolls on Waggons, Carts or other Carriages, having the Fellies of the Wheels thereof of a greater or less Breadth than Six Inches; and the Reduction or Advance of the Proportion of Toll to be payable by this or any other Act of Parliament, in respect of the Breadth of Wheels, or any other Reduction or Advance of Tolls, to be made in any other Way than in manner aforesaid, shall be null and void to all Intents and Purposes whatsoever.

Restriction as to erecting Toll Gates on Sides of Turnpike Roads.

XLV. And be it further enacted, That no Toll Gate shall hereafter be erected on the side of any Turnpike Road, unless the same be ordered by the Trustees or Commissioners at a Meeting, of which Fourteen Days' public Notice shall have been given in Writing affixed upon all the Toll Gates erected on such Road within Ten Miles of the Place where such intended Gate is to be erected, and within the Trust for erecting the same, and also in some public Newspaper circulated in that Part of the Country, specifying the Place where such Toll Gate is proposed to be erected, and unless Five Trustees or Commissioners at least shall sign the said Order at such Meeting.

If Trustees cause Gates to be erected contrary to any Act of Parliament, Justices may order them to be removed.

XLVI. And be it enacted, That if the Trustees or Commissioners appointed to put any Act of Parliament made for the Repair of any Turnpike Road into Execution, shall exceed their Power by erecting or continuing any Gate or Gates, Turnpike or Turnpikes, where they have not any Power by virtue of any Act of Parliament, to erect such Gate or Gates, Turnpike or Turnpikes, it shall and may be lawful for the Justices of the Peace for the Limit where any such Gate or Gates, Turnpike or Turnpikes, is or shall be erected or continued, in their General Quarter Session assembled, upon Complaint of such excess of Power in such Trustees, in a summary Way to hear and determine whether such Power has been exceeded, and if such Power has been exceeded, to order the Sheriff of the County, who is hereby authorized and required to execute such Order, to remove any such Gate or Gates, Turnpike or Turnpikes.

Mortgagees in Possession of Tolls to account to Trustees.

XLVII. And be it enacted, That all and every Mortgagee and Mortgagees that hath or have taken or been in Possession, or shall hereafter take or be in Possession of any Toll Gate or Bar set up or erected on any Turnpike Road, or of any Lands or Tenements, the Rents and Profits whereof are appropriated to the Repairs of any Part of any Turnpike Road, shall, within Twenty one Days after he, she or they shall have received Notice in Writing from the Trustees or Commissioners of such Turnpike Road, render an exact Account in Writing to such Trustees or Commissioners, or to such Person as they shall appoint, of all Monies received by such Mortgagee or Mortgagees, or by any other Person or Persons

Penalty, 50l.

sons for his, her or their Use and Benefit, or by his, her or their Authority, at such Toll Gate or Bar or otherwise, and what he, she or they have expended in keeping or repairing the same; and in case he, she or they shall neglect to render such Account when required as aforesaid, he, she or they shall severally forfeit and pay to the said Trustees or Commissioners, for every Refusal, Neglect or Omission, the Sum of Fifty Pounds, to be applied to the Use of the Road on which such Toll Gate or Bar shall be erected.

Mortgagee keeping Possession after he has received the Money due.

Penalty and Treble Costs.

XLVIII. And be it further enacted, That if any such Mortgagee or Mortgagees shall keep Possession of any Toll Gate or Bar by him, her or themselves, or by any other Person or Persons on his, her or their Behalf, and receive the Tolls or Duties thereat, or of any such Rents and Profits as aforesaid, after such Mortgagee or Mortgagees shall have received the full Sum or Sums of Money due on their respective Mortgage or Mortgages, and the Interest thereof with Costs, such Mortgagee or Mortgagees shall forfeit and pay, as a Penalty, to the Trustees or Commissioners, Double the Sum or Sums of Money he, she or they shall have received, over and above the Sum or Sums of Money due as aforesaid, with Treble Costs of Suit, to be recovered by the Treasurer or Clerk to such Trustees or Commissioners, by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record, which when recovered shall be applied to the Use of the respective Road or Roads on which such Toll Gate or Bar shall be placed or such Rents appropriated.

Action of Ejectment may be supported by one Mortgagee;

XLIX. And be it further enacted, That if any Mortgagee or Mortgagees of any Tolls, Toll Gates, Bars, Chains, Toll Houses and Buildings, on any Turnpike Road, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses and Buildings, in order to pay himself, herself or themselves the Principal Money and Interest, or any Part thereof, due to him, her or them, it shall be competent for him, her or them, as Lessor or Lessors of the Plaintiff, and upon his, her or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her or them, to his, her or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

but Tolls applied for Benefit of all the Trustees.

On Death of Collector, another nominated till next Meeting.

L. And be it further enacted, That it shall and may be lawful for any Two or more Trustees or Commissioners of any Turnpike Road, upon the Death of any Collector appointed to collect the Tolls upon such Turnpike Road, to nominate and appoint some other fit Person in his Place until the next Meeting of the Trustees or Commissioners of such Road, which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all Respects, as the Person so dying had or would have been if living; and that if any Toll Collector or Deputy Collector, who shall be discharged from his Office by the Trustees or Commissioners authorized for that Purpose, shall refuse to deliver up the Possession of the House, Buildings and Appurtenances which he enjoyed in Right of his Appoint-

Collector, &c. discharged refusing to deliver Possession of House, &c.

Justices may re-

ment to that Office, within Two Days after Notice of his Discharge shall be given to him or left at his House; or if the Wife or Family of any such Toll Collector or Deputy who shall die as aforesaid, shall refuse to deliver up the Possession of such House, Building and Appurtenances, within Four Days after such new Appointment shall be made as aforesaid, then and in either of the said Cases it shall and may be lawful for any Justice of the Peace for the County where such Turnpike House shall be, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Premises in the Day Time, and to remove the Persons who shall be found therein, together with their Goods, out of such House, and to put the new appointed Officer into the Possession thereof.

Remove them and their Goods.

LI. And be it further enacted, That no Collector or Person renting such Tolls, or residing in such Toll House as aforesaid, and no Apprentice or Servant of any such Collector or Person, shall thereby gain a Settlement in any Parish or Place whatsoever; and that no Tolls to be taken at any Gate erected or to be erected by the Trustees or Commissioners of any Turnpike Road, nor Toll House erected or to be erected for the Purpose of collecting the same, nor any Person in respect of such Tolls or Toll House, shall be rated or assessed towards the Payment of any Poor's Rates, or any other Public or Parochial Levy whatsoever.

No Person to gain a Settlement by renting Tolls or by Residence in Toll Houses.

LII. And be it further enacted, That if any Collector or other Person appointed to collect the Tolls on any Turnpike Road, shall permit or suffer any Waggon, Wain, Cart or other Carriage to be drawn or pass upon any Turnpike Road within the View or with the Knowledge of such Collector or Toll Gatherer, or to pass through any Toll Gate or Bar, with Wheels of a less Breadth or of a different Construction, or drawn with a greater Number of Horses than by this Act allowed, or without such Names and Descriptions painted thereon as are hereinafter directed, and shall not within the Space of One Week proceed for the Recovery of the Forfeiture or Penalty hereby inflicted, or shall allow any Coach, Chariot, Waggon, Cart or other Carriage, or any Passenger, to pass through any Toll Gate at which such Collector or other Person shall be stationed, without paying the Toll payable, or shall be guilty of any other Misconduct in his Office, every Collector or other Person so offending, and being thereof convicted before One Justice, shall forfeit for every such Offence any Sum not exceeding Five Pounds, as the Justice by and before whom such Offender shall be convicted shall judge proper.

Collectors permitting Carriages to pass otherwise than allowed by the Act, and not prosecuting.

Penalty.

LIII. And be it further enacted, That every Toll Collector on every Turnpike Road shall place or cause to be placed on some conspicuous Parts of the Fronts of the several Toll Houses at which they shall be respectively stationed, and so that the same shall appear to public View, their Christian and Surnames, painted in Black on a Board with a White Ground, each of such Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion; and that such Board shall be and remain at such Toll House during the whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and every such Collector shall place, or cause to be placed,

Toll Collectors to put up their Names on a Board.

A Board placed on Front of Toll House containing a List of Tolls payable.

placed, on the Front of the Toll House or Toll Houses at which such Collectors shall be stationed, the Board hereinbefore directed to be provided by the Trustees or Commissioners, containing the usual Name of the Turnpike Gate where the Board shall be affixed, and also the List of the Tolls payable at such Gate, and of the several Gates cleared by the Payment of Toll at the Gate where such Collector or Collectors shall be stationed as aforesaid; and if any Collector of the said Tolls shall not place such Boards respectively as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand and take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of any Act, or of the Orders and Resolutions of the Trustees or Commissioners made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit or suffer any Person or Persons to read, or shall in any wise hinder any Person or Persons from reading the Inscriptions on such Boards respectively, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on being paid the said Tolls or any of them, or shall, in answer to such Demand, give a false, Name or Names, or shall refuse or omit to give to the Person paying the Toll a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate at which such Ticket has been delivered, and the Toll Gate or Toll Gates (if any) freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee or Commissioner, Traveller or Passenger, then and in every such case every such Toll Collector shall forfeit and Pay any Sum not exceeding Five Pounds for every such Offence.

Collector neglecting to do so, or taking a greater or less Toll than what is authorized, or otherwise offending in the Particulars herein mentioned.

Penalty.

If Toll Collectors abscond, Penalties to be levied on Lessees of Tolls.

LIV. Provided always, and be it enacted, That in case any Toll Collector, or Person acting as such, shall offend against any of the Provisions of this Act, whereby any Penalty shall be incurred, and shall abscond or absent himself so as not to be found, then it shall and may be lawful for any Justice of the Peace, before whom any such Toll Collector or Person shall have been convicted of any such Offence, in case of such Collector or other Person absconding after Conviction, or in case of his or her absconding previous to Conviction, then for any other Justice of the Peace acting for the County, on an Examination of the Circumstances, and ascertaining by the Examination of Witnesses that such Offence has been committed by the Person absconding, to order and adjudge that the Penalty incurred as aforesaid shall be paid by the Lessee or Farmer of the Tolls under whom such Collector or other Person shall act; all which Penalties shall be levied and recovered from such Lessee or Farmer, and applied in manner hereinafter directed.

How levied and applied.

Powers for Trustees or Commissioners to farm out Tolls.

LV. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of every Turnpike Road, at a Public Meeting, to let to farm the Tolls of the several Gates erected upon their respective Turnpike Roads, in the manner hereinafter mentioned, although no express Power shall have been given

given by any Act or Acts for that Purpose; and that whenever any Tolls shall hereafter be let to farm by virtue of the Powers given by this or any other Act or Acts of Parliament, the following Directions shall be observed; (that is to say), the Trustees or Commissioners shall cause Notice to be given of the Time and Place for letting the same, at least One Month before the Day to be appointed for that Purpose, by affixing the same upon every Toll Gate belonging to such Turnpike Road, and also by Insertion thereof in some public Newspaper circulated in that Part of the Country, and specifying in every such Notice the Sum which the said Tolls produced in the preceding Year, clear of the Salary for collecting the same, in case any hired Collector was appointed, and that they will let such Tolls by Auction to the best Bidder, on his producing sufficient Sureties for Payment of the Money monthly, or otherwise (as in such Notice shall be specified), and that they will be put up at the Sum which they were let for or produced in the preceding Year, clear of the Salary of the Collector; and to prevent Fraud or any undue Preference in the letting thereof, the Trustees or Commissioners are hereby required to provide a Glass with so much Sand in it as will run from one End of it to the other in One Minute, which Glass at the Time of letting such Tolls shall be set upon a Table, and immediately after every Bidding the Glass shall be turned, and as soon as the Sand is run out it shall be turned again, and so for Three Times, unless some other Bidding intervenes, and if no other Person shall bid until the Sand shall have run through the Glass Three Times, the last Bidder shall be the Farmer or Renter of the said Tolls, and shall forthwith enter into a proper Agreement for the taking thereof, and paying the Money at the Times specified in such Notice, with such Surety or Sureties for Payment thereof, and under such Conditions and in such Manner as the said Trustees or Commissioners shall think fit; and if the Person being the last Bidder shall not forthwith enter into such Agreement, it shall and may be lawful to put up the said Tolls again immediately for another Bidder, and in like manner to continue putting up the same until a Bidder shall be found who shall enter into such Agreement; and in case no Bidder shall offer, or in case the same shall not be let at such Auction, it shall be lawful for the said Trustees or Commissioners to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, at any Sum not less than the Sum at or for which they shall then have been last let; or the said Trustees or Commissioners may appoint a Collector of such Tolls, or fix some future Day for the letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and shall and may in that case put them up at such Sum as they shall think fit; and if the Person or Persons who shall be the Farmer or Renter, or Collector or Collectors of such Tolls shall take a greater or less Toll from any Person or Persons than what is authorized or directed by this or the particular Turnpike Act, he or they shall for every such Offence forfeit the Sum of Five Pounds, and the said Agreement for renting the Tolls shall, if the said Trustees or Commissioners shall think fit to vacate the same, become and be null and void: Provided always, that at all such Lettings the Trustees or Commissioners

Notice given for letting the Tolls.

Tolls to be put up at the Sum produced the preceding Year.

Mode of receiving Biddings.

If Tolls be not let at such Auction, a private Tender may be accepted.

Collectors taking more or less than the authorised Toll.

Penalty, 5l.

sioners shall be entitled to bid for the Tolls so to be let, either by themselves or their Clerk or Treasurer, or any other Person by them respectively authorized; provided also, that no such Tolls shall be demised or leased for any longer Term than Three Years at any One Time.

Limiting Leases to Three Years.

How Rent of Tolls is to be paid.

LVI. Provided always, and be it further enacted, That on every Letting of any Tolls, the said Trustees or Commissioners shall, if they shall think fit, take of the Renter or Farmer thereof One, Two or more Months' Rent in advance before they shall put such Renter or Farmer in Possession of the Toll Gate, Bar, Toll House or Turnpike, at which such Tolls are to be collected, and that in every Agreement to be entered into by any Trustees or Commissioners for the letting of any Tolls, the Rent or Money payable for such Tolls shall be reserved and made payable Monthly, or otherwise, as in the Notice for letting the said Tolls shall be specified; and the Renter or Farmer of such Tolls shall produce Two sufficient Sureties to join in the said Agreement, undertaking on their Parts for the due and punctual Payment of the Rent or Sum of Money to be paid for the said Tolls, according to the Terms of the Agreement entered into by him; and in every Case where the Terms of such Agreement shall not be fulfilled, but the Rent or Sum of Money to be paid at the Commencement of any One Month shall not be paid when the same shall become due, but shall remain unpaid for Three Days after the same shall become due, then and in every such Case the Trustees or Commissioners making any such Agreement shall, and they are hereby empowered, if they shall think fit, to declare the said Agreement void, and to re-enter and take Possession of any such Toll Gate, Bar or Toll House, and the Tolls there collected, and to relet the same in manner hereinbefore directed, or to appoint a Collector or other fit and proper Person to collect and receive the same, and to put out and remove the Person or Persons so failing in their Agreement.

Two sufficient Sureties to join.

On Failure of Payment for Three Days after due, Possession of Toll Gate may be taken.

Contracts and Agreements valid when signed by Trustees, &c.

LVII. Provided always, and be it further enacted, That all Contracts and Agreements to be made or entered into for the farming or letting the Tolls of any Turnpike Roads, signed by the Trustees or Commissioners letting such Tolls, or any Two or more of them, or by their Clerk or Treasurer, and the Lessee or Farmer, and his Sureties, of such Tolls respectively, shall be good, valid and effectual, to all Intents and Purposes, notwithstanding the same may not be by Deed or under Seal; any Act or Acts of Parliament or Law to the contrary thereof notwithstanding.

Lessees of Tolls may appoint Persons to receive.

LVIII. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof, shall be leased to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she or they shall by Writing or Writings under his, her or their Hand or Hands authorize or appoint, to demand and take such Tolls so leased, demised or farmed, and to use all such Means and Methods for the Recovery thereof, in case of Nonpayment or Evasion, as any Collector of such Tolls appointed under or by virtue of any Act of Parliament for the making of Turnpike Roads, or by this Act, is authorized and empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking such Tolls, shall be subject to

Lessees and such Persons subject to the like Penalties as Collectors appointed by the Trustees.

to the like Pains, Penalties and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of such Tolls appointed by the Trustees or Commissioners is subject or liable to.

Collectors not incompetent to give Evidence.

LIX. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise, touching or in any wise relating to the Tolls granted by any Act of Parliament, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the Trustees or Commissioners, shall not be incompetent to give Evidence in any such Dispute, Suit or Litigation, on account of his being appointed to collect such Tolls.

The Property of Toll Houses, &c. vested in Trustees.

LX. And be it further enacted, That the Right, Interest and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, and other Erections and Buildings, Lamps, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails, Fences and other Things which shall have been or shall be erected and provided in pursuance of any Act of Parliament for making Turnpike Roads, with the several Conveniences and Appurtenances thereunto respectively belonging, and the Materials of which the same shall consist, and all Materials, Tools and Implements which shall be provided for repairing the said Roads, and the Scrapings of the said Roads, shall be vested in the Trustees or Commissioners acting in pursuance of such Act for the time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments, against any Person or Persons who shall dig up, break or pull down, steal, take or carry away, spoil, destroy, injure or damage, any of the Toll Gates or Toll Houses, Weighing Machines, or other Erections or Buildings, Lamps, Bars, Toll Boards, Direction Boards, Milestones, Posts, Rails, Fences and other Things, or any of the Conveniences and Appurtenances thereto belonging, or any of the Tools, Implements or Materials aforesaid, or shall interrupt them the said Trustees or Commissioners, or any of their Officers, in the Possession thereof; in all which Proceedings it shall be sufficient to state generally such Articles to be the Property of the Clerk for the time being to the said Trustees or Commissioners.

Actions may be brought in the Name of the Clerk to Trustees or Commissioners.

Justices of Peace to be added to Trustees.

LXI. And be it further enacted, That all His Majesty's Justices of the Peace for the time being acting for the County or Counties through which any Turnpike Road now does or hereafter shall pass, shall be added to and joined with the Trustees or Commissioners for making, repairing or maintaining every such Turnpike Road, and shall, on qualifying themselves as hereafter mentioned, have all the same Powers and Authorities, to all Intents and Purposes, as if the said Justices had severally been named or elected Trustees or Commissioners in or under any Act or Acts of Parliament under which such Roads shall be made, repaired or maintained.

Qualification of Trustees.

LXII. And be it further enacted, That no Person who shall hereafter be chosen or appointed a Trustee or Commissioner, shall be qualified or capable of becoming and acting as a Trustee or Commissioner in the Execution of any Act of Parliament for making, repairing or maintaining any Turnpike Road, unless he shall

shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of Freehold or Copyhold Lands, Tenements or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes; and unless he shall, before he shall act as such Trustee or Commissioner, take and subscribe the Oath or Affirmation following, before any Two or more of the Trustees or Commissioners appointed or to be appointed by or in pursuance of such Act, who are hereby authorized and empowered to administer the same, in the Words or to the Effect following; (that is to say,)

Oath or Affirmation of Trustees.

'I do swear, [*or*, being of the People called *Quakers*, do solemnly affirm,] That I truly and *bona fide* am, in my own Right, [*or*, in the Right of my Wife,] in the actual Possession and Enjoyment of [*or*, in the Receipt of Rents and Profits issuing out of] Freehold or Copyhold Lands, Tenements or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, [*or*, am Heir Apparent of who to the best of my Knowledge is seised of Freehold or Copyhold Lands, Tenements or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes,] [*or*, that I am possessed of a Personal Estate of Ten thousand Pounds, clear of all Debts and Incumbrances, *as the case may be*.] So help me God.'

'[*or*, being a Quaker, omit the Words 'So help me God.']

Qualification by Personal Property within 10 Miles of London.

LXIII. Provided always, and be it enacted, That nothing herein contained shall hinder or prevent any Person from acting as a Trustee or Commissioner of any Turnpike Roads, any Part of which are or shall be situate within Ten Miles of the *Royal Exchange* in *London*, who shall be possessed of Personal Property to the Amount or Value of Ten thousand Pounds, after Payment of his Debts.

Trustees not to act where interested, or while keeping a Victualling House, &c.

LXIV. Provided also, and be it further enacted, That no Person appointed or to be appointed a Trustee or Commissioner in or by virtue of any Act for repairing Turnpike Roads, shall be capable of acting as such in the Execution of any such Act, in any Case where he shall be personally interested (except as hereinafter provided), nor during the Time he shall keep a Victualling House, or other House of Public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, or who shall be a Lessee or Farmer of the Tolls on any Turnpike Road, or of any Part or Parts thereof; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath hereinbefore mentioned, or being a Quaker, not having made and subscribed the Affirmation hereinbefore mentioned, shall nevertheless presume to act as a Trustee or Commissioner in the Execution of any such Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action

Acting, not being qualified.

Penalty, 50*l*.

of Debt or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection, Wager of Law or more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, and not disqualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Trustee or Commissioner in the Execution of any Act for repairing Turnpike Roads: Provided nevertheless, that no Act or Proceeding touching the Execution of any such Act, which shall be done or performed by any such unqualified or disqualified Person previously to his being convicted of the Offence before mentioned, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that Account only be deemed unqualified to Act as a Trustee or Commissioner in the Execution of any such Act; and any Trustees or Commissioners appointed or to be appointed under any such Act, who are or shall be in the Commission of the Peace, may act as such Justices of the Peace, in the Execution of any such Act, notwithstanding their being such Trustees or Commissioners, except in such Cases only wherein they shall be personally interested otherwise than as a Trustee, Commissioner, Mortgagee, Assignee, Lender of Money or Holder of any Security on the Credit of the Tolls granted by any such Act.

Proceedings not impeached on account of Disqualification.

Mortgages on the Tolls not disqualified on that Account.

LXV. And be it further enacted, That no Trustee or Commissioner of any Turnpike Road shall, from and after this Act shall be in force, enjoy any Office or Place of Profit under any Act of Parliament in Execution of which he shall have been appointed, or shall act as Trustee or Commissioner, or have any Share or Interest in, or be in any manner directly or indirectly concerned in, any Contract or Bargain for making or repairing or in any way relating to the Road for which he shall act, or for building or repairing any Toll House, Toll Gate or Weighing Engine thereon, or for supplying any Materials for the Use thereof; nor shall any such Trustee or Commissioner let out for Hire any Waggon, Wain, Cart or other Carriage, or any Horse, Cattle or Team, for the Use of any Turnpike Road for which he shall act as a Trustee or Commissioner; nor by himself, or by any other Person for or on his Account, directly or indirectly, receive any Sum or Sums of Money to his Use or Benefit out of the Tolls collected on the Road for which he shall act, during the Time he shall be acting as a Trustee or Commissioner of such Road; and if any Person after having been appointed or elected a Trustee or Commissioner of any Turnpike Road, shall, without having first duly resigned such Office at some Meeting of the Trustees of the Road for which he shall have been elected or appointed, hold any such Office or Place, or be concerned in any such Contract or Bargain, or shall sell any such Tools or Implements, or let out for Hire any Waggon, Wain, Cart or Carriage, Horse, Cattle or Team, or receive any Money out of the Tolls as aforesaid, every Trustee or Commissioner so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons

Trustees and Commissioners not to hold Places of Profit or be concerned in Contracts, &c.

Penalty, 100l.

sons who shall sue for the same, and shall from and after the Conviction of any such Offence be incapable of acting as a Trustee or Commissioner of any Turnpike Road; and all Acts, Orders, Matters and Things made or done as a Trustee or Commissioner by the Party so convicted, shall from thenceforth be null and void, to all Intents and Purposes, and all and every such Contract and Bargain shall be and the same is hereby declared to be void, and shall not be enforced against or carried into effect by the other Trustees or Commissioners entering into the same: Provided always, that all Acts, Orders, Matters and Things, made or done by such Trustee or Commissioner previously to his being convicted of any such Offence, shall be good, valid and effectual; and further provided, that nothing in this Enactment contained shall extend or be deemed or construed to extend to any Trustee or Commissioner who shall receive any Sum or Sums of Money paid out of the Tolls of any Turnpike Road, as or by way of Purchase Money, Damages, Rent, Recompence or Satisfaction agreed upon or awarded to such Trustee or Commissioner, for any Lands, Grounds, Tenements or Hereditaments, purchased or taken for the Purpose of diverting or altering, or for the Use of the Turnpike Road for which he shall act as a Trustee or Commissioner, or for a Repository for Materials to be used thereon, or for the Damage done to any inclosed or private Grounds of any such Trustee or Commissioner, in taking Materials therefrom, or in carrying or conveying them over the same, or to prevent any such Trustee or Commissioner from selling or disposing of, for the Use of the Turnpike Road, any Materials, or any Timber grown or growing on the Land or Grounds of such Trustee or Commissioner.

And Contracts and Bargains by such Trustees or Commissioners void.

Proviso for Acts done previous to Conviction.

For appointing new Trustees on Vacancies.

LXVI. And be it further enacted, That when and as often as any of the Trustees or Commissioners, save and except the Justices of the Peace, appointed or to be elected and appointed under any Act of Parliament for making, repairing or maintaining any Turnpike Road, shall die, or by Bankruptcy, Insolvency or otherwise, become disqualified to act, or by Writing under their Hands, refuse to act in the Execution of such Act, it shall be lawful for the surviving or remaining Trustees or Commissioners, from time to time, to elect and appoint one other fit Person, qualified as aforesaid, to be a Trustee or Commissioner in the room of every Trustee or Commissioner dying or becoming disqualified or refusing to act as aforesaid; provided that Notice of the Time and Place of Meeting of the Trustees or Commissioners for every such Election be given by the Clerk or Clerks to such Trustees or Commissioners, by affixing the same in Writing upon all the Toll Gates or Turnpikes erected upon the said Road for which they shall act as Trustees or Commissioners, and by inserting such Notice in One or more of the Newspapers circulating in that Part of the Country where such Road shall pass, Fourteen Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee or Commissioner pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees or Commissioners in the Execution of such Act, to all Intents and Purposes, as if he had been therein named and appointed a Trustee or Commissioner.

Notice to be given Fourteen Days before the Meeting.

Meetings of Trustees.

LXVII. And be it further enacted, That the said Trustees or

Commissioners shall and may from time to time meet at such Time and Place, on or near their respective Roads, as to them shall seem convenient, and may adjourn themselves, to meet at any Place or Places and at such Time or Times as the said Trustees or Commissioners, or the major Part of them present at any Meeting shall appoint; and at all their several Meetings, the Trustees or Commissioners shall pay and defray their own Expences, except any Sum not exceeding Ten Shillings *per Diem* for the use of the Room wherein they shall meet; and all Orders and Determinations of the Trustees or Commissioners in the Execution of any such Act, shall be made at Meetings to be held in pursuance thereof, and not otherwise, (except in the Cases hereby otherwise particularly provided for), and that no Order or Determination shall be made, unless the major Part of the Trustees or Commissioners present shall concur therein; and that all Acts, Orders and Proceedings relating to any such Act, which are directed to be had, made, done or exercised by or before the said Trustees or Commissioners, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done and exercised by the major Part of the Trustees or Commissioners who shall be present at the respective Meetings to be held by virtue of any such Act, the whole Number present not being less than Three (except in such Cases where any other Number is by any Local Act or this Act named for any particular or special purpose); and that all Acts, Orders or Proceedings, had, made or done by or before such Three Trustees or Commissioners, shall have the same Force and Effect, and be binding and conclusive on all Persons and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done or executed by or before all the said Trustees or Commissioners; and that a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who, in case of an equal Number of Votes (including the Chairman's Vote), shall have the casting or decisive Vote; and that no Order or Determination at any Meeting of the said Trustees or Commissioners once made, agreed upon or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting holden for the same Road, and entered in the Book of Proceedings of such Meeting, and also by affixing such Notice, signed by any Two or more Trustees or Commissioners, on all the Turnpike Gates then erected upon such Road, Twenty one Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by Seven Trustees or Commissioners at the least.

Trustees to pay their own Expences, exception.

Majority of Trustees to concur.

Three Trustees may act (except where any other Number is named by any Local Act.)

Chairman to be appointed.

No Order to be revoked, unless 21 Days' Notice be given, and Seven Trustees or Commissioners concur.

LXVIII. And be it further enacted, That if at any Time it shall be thought necessary, for the better Execution of any Act of Parliament for making, repairing or maintaining any Turnpike Road, that the Trustees or Commissioners of such Road should meet before the Time to which any Meeting may be adjourned, it shall and may be lawful for any Two or more of such Trustees or Commissioners, (or for the Clerk to the said Trustees or Commissioners, by an Order in Writing signed by any Two or more of them), to give Notice of such earlier Meeting in the manner before directed,

Meetings may be held on Emergencies.

in which Notice shall be expressed the Time, Place and Purpose of such earlier Meeting (such Time not being less than Fourteen Days after Publication of the said Notice); and all the Orders and Determinations of the Trustees or Commissioners at all such Meetings shall be as valid as if the same had been done at any other Meeting of Trustees or Commissioners held by virtue of this Act, or the Act under and by virtue of which they shall act as Trustees or Commissioners: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

Fourteen Days' public Notice, no other Business to be then transacted.

LXIX. And be it further enacted, That all Trustees and Commissioners of every Turnpike Road or Roads shall and they are hereby required to hold a General Meeting of the Trust for which they shall respectively act, on a Day to be by them or any Three or more of them appointed, in the Months of *April*, *September* or *October*, of which Meeting Twenty one Days' Notice shall be given, by inserting the same in some Newspaper or Newspapers usually circulating in the County or Counties in which the Road or Roads, in respect whereof such Meeting shall be held, lie or are situated, which said Meeting shall be called or known as "The General Annual Meeting of the Trustees or Commissioners;" and at such Meeting the Trustees or Commissioners assembled shall elect a Chairman for the Purposes thereof, and shall also audit their Accounts, and report the State of the Road or Roads under their Care and Superintendance.

General Annual Meetings to be held.

Title of such Meeting.

LXX. And be it further enacted, That where a sufficient Number of the Trustees or Commissioners of any Turnpike Road shall not meet on the Day appointed by any such Act or Acts respectively, for their First Meeting, or shall not meet on the Day appointed by Adjournment for their Meeting, or for want of a proper Adjournment, by which Means, or by some or One of them, the Intent of the said Act or Acts may be frustrated, in all or either of the said Cases it shall be lawful for so many of the said Trustees or Commissioners as shall meet, or the major Part of them, or in case no such Trustee or Commissioner shall be present, for their Clerk or Clerks, to cause Notice in Writing to be affixed on all the Turnpike Gates which shall be then erected on the said respective Roads, or if no Turnpike Gate shall then be erected, to cause the like Notice to be affixed in the most conspicuous Place in One of the principal Towns or Places nearest to which the Roads directed to be repaired do lie, and also in some Public Newspaper circulated in the County in which the Road shall be situate, at least Ten Days before the intended Meeting, appointing such Trustees or Commissioners to meet at such Place where the preceding Meeting was appointed to have been held, or at the Place directed for the First Meeting of such Trustees or Commissioners, if no such preceding Meeting shall have been held; and the said Trustees or Commissioners, when met in pursuance of such Notice, shall and may and they are hereby required to proceed and carry such Act or Acts into Execution, in the same and in as ample and full a Manner, to all Intents and Purposes, as they might or could have done if no such Neglect had happened.

If a sufficient Number of Trustees or Commissioners do not attend, another Meeting shall be appointed, of which Ten Days' public Notice to be given.

LXXI. And be it further enacted, That it shall not hereafter be lawful for any Trustees or Commissioners to continue or appoint

Office of Treasurer and Clerk

the Person who has been or may be appointed to act as their Clerk in the Execution of any Act or Acts of Parliament for repairing and maintaining any Turnpike Road, or the Partner of any such Clerk, to be or to hold the Offices of Clerk and Treasurer for the Purposes of such Act or Acts, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, to be the Treasurer and Clerk for the Purposes of such Act or Acts; and if any Person shall act in both the Capacities of Clerk and Treasurer, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this or any other Act, every Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than One Imparlance, shall be allowed.

to be kept separate.

One Person acting in both Capacities.

Penalty, 50*l*.

LXXII. And be it further enacted, That all Orders and Proceedings of the Trustees or Commissioners of every Turnpike Road, together with the Names of the Trustees or Commissioners present at every Meeting, shall be entered in a Book or Books to be kept by the Clerk to the said Trustees or Commissioners for that Purpose, and be signed by the Chairman of the Meeting or Meetings at which such Orders or Proceedings shall be from time to time made or had; and that such Book or Books shall be open at all seasonable Times to the Inspection of any of the Trustees or Commissioners, without Fee or Reward; and such Orders and Proceedings, so entered and signed by the Chairman of such Meeting or Meetings as aforesaid, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, as well as the Book or Books in which the Oath or Affirmation directed to be taken by the said Trustees or Commissioners shall be entered, and also the Book or Books directed to be kept for registering Mortgages and Assignments, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts whatsoever, in all Cases of Appeal and in all Prosecutions, Suits and Actions whatsoever.

Orders and Proceedings to be entered in Books, which shall be open for Inspection.

Books to be Evidence.

LXXIII. And be it further enacted, That the Trustees and Commissioners of every Turnpike Road shall, and they are hereby required, from time to time, and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk for the time being; in which Book or Books such Clerk shall enter or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out and expended for or on Account of the Road for which such Clerk shall act, and of the several Articles, Matters and Things for which such Sums of Money shall have been disbursed, laid out and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or Commissioners, or any Creditor or Creditors on the Tolls collected and taken on the Road to which such Books relate, without Fee or Reward; and the said Trustees or Commissioners and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof,

Books of Account to be kept, and to be open to the Inspection of Trustees and Creditors.

thereof, without paying any thing for the same; and the said Book or Books shall be produced by the said Clerk at all Meetings of the said Trustees or Commissioners; and in case any Clerk shall refuse to permit, or shall not permit any of the said Trustees or Commissioners, or any such Creditor, to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, or in case such Clerk shall refuse or neglect to produce such Book or Books at any Meeting of the said Trustees or Commissioners, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same manner as other Penalties are hereby directed to be levied and applied.

Clerk refusing Inspection, &c.

Penalty.

Trustees may sue and be sued in the Name of their Clerk, &c.

LXXIV. And be it further enacted, That the Trustees and Commissioners of every Turnpike Road may sue and be sued in the Name or Names of any one of such Trustees or Commissioners, or of their Clerk or Clerks for the time being; and that no Action or Suit to be brought or commenced by or against any Trustees or Commissioners of any Turnpike Road by virtue of this or any other Act or Acts of Parliament, in the Name or Names of any one of such Trustees or Commissioners, or their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Trustee, Commissioner, Clerk or Clerks, or any of them, or by the Act of such Trustee, Commissioner, Clerk or Clerks, or any of them, without the Consent of the said Trustees or Commissioners; but that any one of such Trustees or Commissioners, or the Clerk or Clerks for the time being to the said Trustees or Commissioners, shall always be deemed to be the Plaintiff or Plaintiffs, Defendant or Defendants (as the case may be,) in every such Action or Suit: Provided always, that every such Trustee, Commissioner, Clerk or Clerks, shall be reimbursed and paid out of the Monies belonging to the Turnpike Road for which he or they shall act, all such Costs, Charges and Expences as he or they shall be put unto, or become chargeable with or liable to, by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants.

Abatement.

Proviso for Reimbursement of Costs to Trustees, &c.

Victuallers not to hold Places.

LXXV. And be it further enacted, That no Person shall be capable of holding any Place of Profit under any Trustees or Commissioners of any Turnpike Road, who shall sell any Wine, Ale, Spirituous Liquors or Provisions by Retail.

Treasurer to give Security.

LXXVI. Provided always, and be it further enacted, That the Trustees and Commissioners of every Turnpike Road shall, and they are hereby required to take sufficient Security from every Treasurer to be appointed by them for the Purposes of any Act or Acts of Parliament for making, repairing or maintaining any Turnpike Road, for the due and faithful Execution of his Office, before such Treasurer shall enter upon his Office; and if they shall so think proper, shall and may also take such Security from any other Officer to be appointed under or by virtue of this or such other Act.

Security by other Officers.

Officers to account when required.

LXXVII. And be it further enacted, That all such Officers as shall be appointed by any Commissioners or Trustees of any Turnpike Road, shall, as often as required by the Commissioners or Trustees, render and give to them, or to such Person or Persons as they shall for that Purpose appoint, a true, exact and perfect Account in Writing, under their respective Hands, with the proper

per Vouchers, of all Monies which they shall respectively, to the Time of rendering such Accounts, have received, paid and disbursed by virtue of this or any other Act, or for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid to the Trustees or Commissioners, or to such Person or Persons as they shall, in Writing under their Hands, authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall for the Space of Fourteen Days after being thereunto required by the said Trustees or Commissioners, or any Three or more of them, refuse or neglect to render and give up to them, or to such Person or Persons as they shall direct or appoint, all Books, Papers, Writings, Tools, Matters and Things, in his Hands, Custody or Power, relating to the Road for which he shall act, or which he shall have disposed of without the Consent and Approbation of the Trustees or Commissioners, then it shall be lawful for any Justice of the Peace for the County where the Officer so making Default shall be or reside, upon Application made to him for that Purpose, by or on Behalf of the Trustees or Commissioners, to make Inquiry of and concerning any such Default as aforesaid, in a Summary Way, as well by the Confession of the Party as by the Testimony of any credible Witness or Witnesses upon Oath, without Fee or Reward, and by Warrant under his Hand and Seal to cause such Money as shall appear to him to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to him the Overplus (if any) on Demand, after Payment of the Money remaining due, and deducting the Charges and Expences of making such Distress and Sale; and if sufficient Distress cannot be found, or if it shall appear to any such Justice in manner aforesaid, that any such Officer shall have refused, or wilfully neglected to give such Account, or to deliver up all Books, Papers, Writings, Tools, Matters and Things in his Custody or Power, relating to the Execution of his Office, such Justice shall commit him to the House of Correction or Common Gaol of the County where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall make and give a true and perfect Account, and verify the same in manner aforesaid, and shall produce and deliver up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Direction of the Trustees or Commissioners, or shall have compounded with the said Trustees or Commissioners for such Money, and paid such Composition according to their Direction, which Composition all Trustees and Commissioners are hereby empowered to make and receive, or until he shall deliver up such Books, Papers and Writings, Tools, Matters and Things as aforesaid, or have given Satisfaction to the Trustees or Commissioners concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

On Complaint to a Justice of Officer's neglecting to render Account, or not producing Vouchers, or refusing to deliver up Books, such Justice may cause any Balance due to be levied on Goods of Defaulter.

If Distress insufficient, or if Books, &c. be not delivered up, Justice may commit Offender.

Limitation of Commitment.

LXXVIII. And be it further enacted, That the Trustees or Commissioners of every Turnpike Road shall and they are hereby required,

Accounts of Treasurers,

Clerks, &c. audited at General annual Meeting.

required, at their General annual Meeting in each Year, to examine, audit and settle the Accounts of the respective Treasurers, Clerks and Surveyors appointed by them, and to require such Treasurers, Clerks and Surveyors to produce their Books, Accounts, Papers and Vouchers, and to examine into the Revenues and Debts, distinguishing Bond from Simple Contract Debts, of the several Roads for which they shall act as Treasurer, Clerk or Surveyor; and when the Accounts of the said several Treasurers, Clerks and Surveyors, shall be settled and allowed by the Trustees or Commissioners present at such Meeting, the same shall be signed by the Chairman of such Meeting; and if any Treasurer, Clerk or Surveyor shall refuse or neglect to produce his Accounts, or any Book, Paper or Voucher required to be produced by him, such Treasurer, Clerk or Surveyor shall be dealt with according to the Provisions hereinbefore contained with regard to Officers refusing to account or deliver up Books or Papers, or pay over Money in their Hands; and when and as soon as the said Accounts of the said respective Treasurers, Clerks and Surveyors shall be audited, allowed and signed, the Clerk to the Trustees or Commissioners holding such Meeting shall forthwith make out a Statement of the Debts, Revenues and Expenditure received or incurred on account of the Trust for which the Meeting shall be held, in the Form contained in the Schedule to this Act annexed; which said Statement shall be submitted to the Trustees or Commissioners assembled at such Meeting, and when approved by the Majority of them shall be signed by the Chairman of the said Meeting; and the said Statement, being so approved and signed, the said Clerk shall, within Thirty Days thereafter, transmit the same to the Clerk of the Peace of the County in which the Road, or the major Part thereof, to which the said Statement relates, shall lie; and if any Clerk shall refuse or neglect to make out such Statement as aforesaid, or to transmit the same within the Time hereinbefore mentioned, every Clerk so offending shall for such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered as hereinafter directed.

Treasurer, &c. neglecting to produce Accounts, &c. how dealt with.

Statement of Revenue and Expenditure made out to be signed, and being approved, transmitted to Clerk of the Peace.

Clerk refusing.

Penalty, 50l.

Clerk of the Peace to register Statements, and produce them to Quarter Sessions.

LXXIX. And be it further enacted, That the Clerk of the Peace of every County to whom such Statements shall be transmitted, shall, on receiving such Statements, cause the same to be produced to the Justices assembled at the Quarter Sessions to be held next after the Receipt thereof, and also to be registered and kept amongst the Records of the Quarter Sessions of the County for which such Clerk of the Peace shall act; and the said Statements so to be transmitted to the said respective Clerks of the Peace, shall, when registered, be open to the Inspection of all and every Person and Persons whatsoever, who may take Extracts therefrom or Copies thereof, paying to the Clerk of the Peace in whose Custody the same shall be, the Sum of Five Shillings for each Inspection, and the Sum of Six Pence for every Seventy two Words of each Extract or Copy taken.

Fee for Inspection and Copy.

Statements to be printed and sent to Trustees.

LXXX. And be it further enacted, That the said Trustees or Commissioners shall, immediately after such Accounts and Statements have been examined, audited and signed, cause a sufficient Number of Copies of such Statements to be printed, and direct their Clerk to transmit a Copy thereof to each acting Trustee or Commis-

Commissioner, having duly qualified himself to act as such Trustee or Commissioner of such Road.

Power to borrow Money.

LXXXI. And be it further enacted, That it shall be lawful for the Trustees or Commissioners of any Turnpike Road, to borrow and take up at Interest, on the Credit of the Tolls arising on such Road, such Sum or Sums of Money as they shall from time to time respectively think proper, and to demise and mortgage the Tolls on such Road, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of which Mortgages shall be paid out of the Tolls) as a Security to any Person or Persons or their Trustees, who shall advance such Sum or Sums of Money; which Mortgages shall be in the Words or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Year of the Reign of intituled [*here set forth the Title of this Act,*] We, whose Hands and Seals are hereunto subscribed and set, being of the Trustees [*or* Commissioners] for putting into Execution an Act, passed in the Year of the Reign of intituled [*here set forth the Title of the Act under which the Trustees or Commissioners borrowing the Money and granting the Mortgage shall act,*] in consideration of the Sum of Sterling advanced and paid by *A. B.* of to the Treasurer of the said Trustees [*or* Commissioners], do hereby grant and assign unto the said *A. B.* and his Executors, Administrators and Assigns, such Proportion of the Tolls arising and to arise on the said Turnpike Road, and the Toll Gates and Toll Houses erected or to be erected for collecting the same, as the said Sum of doth or shall bear to the whole Sum now or hereafter to become due and owing on the Security thereof: To have, hold, receive and take the said Proportion of the said Tolls, Toll Gates, Toll Houses and Premises, with the Appurtenances, unto the said *A. B.* and his Executors, Administrators and Assigns, for and during the Residue of the Term for which the said Tolls are granted by the said last mentioned Act, unless the said Sum of with Interest after the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands this Day of .'

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees or Commissioners, for which Entry such Clerk shall be paid the Sum of Five Shillings and no more, out of the Tolls payable on such Road, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and it shall be lawful for all Persons respectively, to whom any Mortgage shall be made as aforesaid, or who shall be from time to time entitled to the Money thereby secured, to assign or transfer his, her or their Right, Title and Interest in and to such Mortgage, and the Principal Money and Interest thereby secured, to any other Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like effect, to be indorsed on such Mortgage Security,

Mortgages may be assigned.

curity, or to be underwritten or thereunto annexed, and signed in the Presence of and attested by One or more credible Witness or Witnesses; (that is to say),

Form of Assignment.

'I *A. B.* [*or* I, *C. D.* Assignee, Executor or Administrator of *A. B. as the case may happen*], do hereby assign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and all Interest now due and hereafter to grow due upon the same, unto *E. F.* his or her Executors, Administrators and Assigns. Dated this Day of One thousand eight hundred and

'Witness *G. H.*

(Signed) '*A. B.* or *C. D.*'

Assignment produced and notified to Clerk of Commissioners, &c.

Fee for Entry.

Which Transfer shall be produced and notified to the Clerk or Treasurer of the said Trustees or Commissioners, within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may, in like manner, assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her or their respective Executors or Administrators), to release, discharge or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid, shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by such Act granted, and on the said Toll Gates and Toll Houses, in equal Degree one with another, or in such Order as shall be agreed upon and stipulated by the said Trustees or Commissioners at the Time of the Advance of their respective Shares.

Enforcing the Payment of Money subscribed.

LXXXII. And be it further enacted, That if any Person or Persons shall agree to advance any Sum or Sums of Money to be employed in the making or repairing of any Turnpike Road or Highway intended to be made Turnpike, and shall subscribe his, her or their Name or Names to any Writing for that Purpose, every such Person shall be liable to pay every such Sum or Sums of Money so subscribed, according to the Purport of such Writing; and in Default of Payment thereof within Twenty one Days after the same shall become payable according to the Purport of such Writing, and shall be demanded by the Person to whom the same is made payable by such Writing, or if no Person be named therein for that Purpose by the Treasurer of such Turnpike or intended Turnpike Road, it shall and may be lawful for every such Treasurer or other Person to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than One Imparlance, shall be allowed.

Action.

Powers to Trustees and

LXXXIII. And be it further enacted, That it shall be lawful for the Trustees or Commissioners of every Turnpike Road, and they

they are hereby fully authorised and empowered, from time to time, to make, divert, shorten, vary, alter and improve the Course or Path of any of the several and respective Roads under their Care and Management, or of any Part or Parts thereof, and to divert, shorten, vary, alter and improve the Course or Path of any of the said several and respective Roads, through or over any Commons or Waste Grounds or uncultivated Lands, without making Satisfaction for the same, and also through or over any private Lands, Tenements or Hereditaments, tendering and making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they shall sustain thereby; and it shall and may be lawful for the said Trustees or Commissioners, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from time to time, to enter upon any such Commons or Waste Grounds or uncultivated Lands, private Lands, Tenements or Hereditaments as aforesaid, through or over which the said Road or the Widenings and Alterations thereof, pass or are intended to pass, and to stake out and make the same in such manner as the said Trustees or Commissioners shall think necessary or proper, without being thereby subject or liable to be deemed a Trespasser or Trespassers, or to any Fine, Penalty or Forfeiture for entering or continuing upon any Part or Parts of such Lands, Tenements and Hereditaments, respectively, for any of the Purposes aforesaid.

Commissioners for making and improving the Roads.

Repealed 9 & 4 C 77 / 8. 9 & new powers given.

Entry upon Commons, Private Lands, &c.

LXXXIV. And be it further enacted, That it shall be lawful for the Trustees or Commissioners of any Turnpike Road to treat, contract and agree with the Owners of and Persons interested in any Lands, Tenements, Hereditaments and Premises, with their Appurtenances, which they shall deem necessary to purchase for the Purpose of widening, diverting, altering and improving such Road, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators and all other Persons whomsoever, not only for or on behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants or Issue unborn, Lunatics, Idiots or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of or interested in any such Lands, Tenements, Hereditaments or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees or Commissioners for the Sale, thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid; and by Conveyance, Lease and Release or Bargain and Sale, to sell and convey unto the said Trustees or Commisssioners all or any such Lands, Tenements, Hereditaments or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales and Conveyances which shall be so made shall be good, valid and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts and

Lands may by Trustees, &c. be purchased for improving the Road.

Bodies Politic, &c. and Incapacitated Persons empowered to sell.

Contracts binding.

and Interests whatsoever, any Law, Statute, Usage, Custom or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

When Persons interested neglect or refuse to treat, the Value may be ascertained by a Jury.

LXXXV. And be it further enacted, That if any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators or any other Person or Persons interested in any such Lands, Tenements, Hereditaments or Premises, or sustaining any Damage as aforesaid, upon Notice to him, her or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Lands, Tenements, Hereditaments or Premises, shall for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such case the said Trustees or Commissioners shall cause such Damage, Value or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County, Riding or Place wherein such Lands, Tenements, Hereditaments or Premises do lie; and in order there-

Jury.

to, the said Trustees or Commissioners are hereby empowered and required from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Trustees or Commissioners, or any or either of them, are and is hereby empowered to administer); and such Trustees or Commissioners shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees or Commissioners shall thereupon order the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition and Judgment, Order and Determination thereon, shall be final, binding and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Idiots, Lunatics and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees or Commissioners are hereby empowered to issue their Warrant or Warrants in Writing to the Sheriff of the County wherein such Lands, Tenements, Hereditaments or Premises do lie,

Oath to Witnesses administered by Trustees, &c.

Verdict final.

lie, commanding him to impannel, summon and return an indifferent Jury of Twenty four Persons, qualified to serve upon Juries, to appear before such Trustees or Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon and return such Number of Persons accordingly; and out of the Persons so impannelled, summoned and returned, or out of such of them as shall appear upon such Summons, the said Trustees or Commissioners shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standersby, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees or Commissioners acting in the Premises shall have Power, from time to time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who, without sufficient Excuse, shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury shall, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined or to give Evidence, so that no one Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff or Agent, nor more than Five Pounds on any other Person, for One Offence.

Duty of Sheriff.

Sheriffs, &c. making Default. Penalty.

Persons summoned on Jury not appearing, &c. Penalty.

LXXXVI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of any Monies in the Hands of the said Trustees or Commissioners, or out of the Tolls granted by the Act for making and repairing such Turnpike Road, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England*, in manner by this Act directed (as the case may be); and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *England*, and after Thirty Days' Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Tenements, Hereditaments and Premises, then such Lands, Tenements, Hereditaments and Premises respectively shall be vested in such Trustees or Commissioners, and shall and may be taken and used for the Purposes of such Act; and such Lands, and the Site of such Lands, Tenements, Hereditaments and Premises, shall be laid into and made Part of the Road, in such manner as the said Trustees or Commissioners shall direct, and shall be repaired and kept in Repair by such Trustees or Commissioners, by the same Ways and Means

Money assessed for Lands, &c. to be paid by the Trustees and tendered to Parties entitled thereto, or paid into Bank, upon which Premises shall vest in Trustees.

Means as any other Part of the Road under their Management is or ought to be kept in Repair; and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements and Hereditaments; and after such new Road shall be completed, the Lands or Grounds constituting any former Roads or Road, or so much and such Part or Parts thereof as in the Judgment of the said Trustees or Commissioners may thereby become useless or unnecessary, or shall or may be stopped up and discontinued as public Highways (unless leading over some Moor, Heath, Common, uncultivated Land or Waste Ground, or to some Church, Mill, Village, Town or Place, Lands or Tenements, to which such new Road or Roads doth not or do not immediately lead, and which may therefore be deemed proper to be kept open either as a public or private Way or Ways, for the Use of any Inhabitant at large, or any Individual or Individuals), and shall be vested in, and shall and may be sold and conveyed by the said Trustees or Commissioners, in the manner herein mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied for the Purposes of the Act for repairing and maintaining such Turnpike Road; and all Conveyances being executed by the said Trustees or Commissioners, and enrolled in the Office of the Clerk of the Peace for the County, City or Place wherein such Road shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever; or it shall be lawful for the said Trustees or Commissioners, instead of making such Sale as aforesaid, to give up to the Owners or Proprietors of any adjoining Lands, Tenements or Hereditaments, whose Building, Land or Ground shall be had or taken for the Purposes of this Act, any Part or Parts of the present or old Roads in lieu of and in exchange for the same, in such Way and Manner as such Trustees or Commissioners, and Owners or Proprietors, shall agree upon and think fit.

After new Road is completed, the old Road may be sold.

Conveyances executed by Trustees, and enrolled in Office of Clerk of the Peace, valid.

LXXXVII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest or Property of any Person or Persons in any such Lands, Tenements, Hereditaments or Premises, or for any Loss or Damage to be by him, her or them sustained, than what shall have been agreed to and offered by such Trustees or Commissioners before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest or Property, or for any Loss or Damage as aforesaid, then and in such case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be borne and paid by the Treasurer to the Trustees or Commissioners, out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of the Act for repairing and maintaining such Turnpike Road, such Costs and Expences to be settled and ascertained by some Justice of the Peace for the County or Place wherein the Dispute shall have arisen, not interested in the Matter in question, who is hereby authorized and empowered to settle and determine the same, and to make an Order on the

If Jury give greater recompence than offered by Trustees,

Expences borne by Trustees.

the Treasurer of the Trustees or Commissioners liable thereto for the Payment thereof; but if any such Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the Trustees or Commissioners before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest or Property in any such Lands, Tenements, Hereditaments or Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom such Trustees or Commissioners shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County, Riding or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question, (who is hereby required to examine and settle the same,) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same or any Part thereof shall exceed such Damages, and shall not be paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees or Commissioners by the Ways and Means hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees or Commissioners in manner aforesaid.

If less,

then Expences borne by Party recompenced.

Expences deducted out of Money assessed.

Proviso.

LXXXVIII. And be it further enacted, That when any Turnpike Road shall be diverted or turned, and the new Road shall be made and completed, such new Road shall be in lieu of the old Road, and shall be subject to all the Provisions and Regulations in any Act of Parliament contained, or otherwise, to which the old Road was subject, and shall be deemed and taken to be a Common Highway, and shall be repaired and maintained as such; and the old Road shall be stopped up, and the Land and Soil thereof shall be sold by the Trustees or Commissioners to some Person or Persons whose Lands adjoin thereto, as hereinafter mentioned with regard to Pieces of Ground not wanted; but if such old Road shall lead to any Lands, House or Place, which cannot, in the Opinion of the said Trustees or Commissioners, be conveniently accommodated with a Passage from such new Road, which they are hereby authorized to order and lay out if they find it necessary, then and in such case the old Road shall be sold, but subject to the Right of Way and Passage to such Lands, House or Place respectively, according to the ancient Usage in that respect; and the Money arising from such Sale in either of the said Cases shall be applied towards the Purchase of the Land where such new Road shall be made, or in the same manner as the

When new Road shall be completed, old Highway to be stopped up, and the Land sold.

How Money arising from Sale applied.

the Tolls arising on such Road, as the Trustees or Commissioners thereof shall think fit; and upon the Completion of any Contract whereby any Part of the old Road shall be given in Payment for the Value of the Ground taken for the new Road, or upon Payment of the Price of any Part of the old Road, the Soil of such old Road shall become vested in the Purchaser thereof and his Heirs; but all Mines, Minerals and Fossils lying under the same shall continue the Property of the Person or Persons who would from time to time have been entitled to the same if such old Road had continued.

Mines, &c.

When any Parts of Land not wanted for Purposes of Roads are to be sold, First Offer made to original or adjoining Owners.

LXXXIX. And be it further enacted, That where the Trustees or Commissioners of any Turnpike Road shall have purchased, or shall be possessed of any Piece or Pieces of Ground not wanted for the Purposes of such Road, it shall and may be lawful for such Trustees or Commissioners to sell and dispose of the same: Provided always, that the said Trustees or Commissioners, before they shall sell and dispose of any such Piece or Pieces of Ground not wanted for the Purposes of such Turnpike Road as aforesaid, to any other Person or Persons, shall first offer the same to the Person or Persons of whom the same shall have been purchased, or to the Person or Persons whose Lands shall adjoin thereto, and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Liberty or Place where such Ground is situate (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on behalf of such Trustees or Commissioners, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she or they and the said Trustees or Commissioners shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in manner hereinbefore directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees or Commissioners to the Purposes of the Act for repairing and maintaining such Turnpike Road, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner

Evidence of such Offer and Refusal.

In case of Dispute as to Price, Value ascertained by a Jury.

How Expences paid and Money applied.

ner and Form as is hereinbefore directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads hereinbefore directed to be sold.

Application of Compensation Money exceeding 200l.

XC. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken or used by virtue of the Powers of this Act, by any Trustees or Commissioners of any Turnpike Road, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Tenant for Life or in Fee Tail General or Special, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees or Commissioners of the Road for which such Lands, Tenements or Hereditaments shall be taken, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled therewith to the same or to the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same manner as the Lands, Tenements or Hereditaments, which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing, undetermined, and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from time to time be paid, by the Order of the said Court, to the Person or Persons who would for the time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so hereby directed to be purchased, in case such Settlement or Purchase were made.

Application of Compensation Money when less than 200l. and not less than 20l.

XCI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than

the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such cases the same shall, at the Option of the Person or Persons for the time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the said Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner hereinafter directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved by Three or more of the Trustees or Commissioners taking such Lands, Tenements or Hereditaments (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money, and the Dividends and Interest arising thereon, may be applied in manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation Money when less than 20*l*.

XCII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such cases the same shall be applied to the Use of the Person or Persons who would for the time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used, in such manner as the said Trustees or Commissioners, or any Three or more of them, shall think fit; or in case of Lunacy or Infancy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

If Compensation Money refused, or Titles not made, or if Persons to whom Money awarded cannot be found, then Money paid into Bank, subject to Order of Court of Chancery on Motion or Petition.

XCIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the Trustees or Commissioners, or any Three or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments be not known or discovered, then and in every such case it shall and may be lawful to and for the Trustees or Commissioners, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments, (describing them,) subject to the Order, Controul and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a Summary way

of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *England*, as aforesaid.

Persons in Possession to be deemed lawfully entitled to the Premises until the contrary shall be shown to the Court of Chancery.

XCIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money; and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made to appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

Court of Chancery to direct Payment of Expences in Cases where Purchases of other Lands are made.

XCV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from time to time to be made in pursuance of this Act, or so much of the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid bythe Trustees or Commissioners, or any Three or more of them, who shall from time to time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees not to deviate more than 100 Yards from present

XCVI. And be it further enacted, That it shall not be lawful for the Trustees or Commissioners of any Turnpike Road, in altering or diverting the Course of any Part of the Turnpike Road under

Line of Road, nor make use of Garden, &c. without Consent of Owner.

their Care and Management, to deviate over any inclosed Lands or Grounds more than One hundred Yards from the Line or Course of such Turnpike Road, without the Consent in Writing of the Owner or Proprietor of such Lands or Grounds, or to take in or make use of any Garden, Yard, Paddock, Park, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the like Consent of the Owner or Proprietor thereof first had and obtained:

Proviso for former Acts.

Provided always, That nothing herein contained shall extend, or be deemed, taken or construed to extend to revoke, limit, abridge, alter or vary any Powers or Authorities contained in any Act or Acts of Parliament existing and in force at the passing of this Act, for making, altering or diverting any Turnpike Road or Roads, or the Course thereof, to be made, altered or diverted and maintained under the Authority of such Acts, but the same Powers and Authorities shall and may be used, exercised and carried into effect by the Trustees or Commissioners appointed by such Acts, fully and effectually, any thing herein contained to the contrary notwithstanding.

Surveyor may get Materials from any River or Brook, or from any Common or Waste Lands, without Expence, filling up Pits, &c.

XCVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the Trustees or Commissioners of every Turnpike Road, and for all such Persons as he or they shall appoint, to search for, dig, gather, take and carry away any Materials for making or repairing any Turnpike Road, out of any common River or Brook (not being within Fifty Yards of any Bridge, Dam, Weir or Jetty), or out of or from any Waste or Common in any Parish, Hamlet or Place in which any Part of such Road may lie, or in any adjoining Parish, Hamlet or Place, and to haul and carry away any such Materials when got over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers; the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, and such Damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take and carry away any such Materials, in or out of the Land of any Person or Persons where the same may be had or found, in any Parish, Hamlet or Place in which any Part of such Road shall lie or be situate, or in any adjoining Parish, Hamlet or Place, (not being a Garden, Yard, Park, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered and carried away, or over which the same shall be carried, as the said Trustees or Commissioners shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds, (not being

Fencing Pits, &c.

or from Lands not being Garden Ground, &c. on tendering Satisfaction.

Materials may be carried

being a Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), or on, through or over any open Land or Common, any Stone or other Materials for making or repairing any such Road, or for building or repairing any present or future Toll House or Toll Houses on or by the Sides thereof from any River, Stream or Canal, in any Parish, Hamlet or Place in which any such Road lies, or in any adjoining Parish, Hamlet or Place, paying or tendering for the Damage done in landing on, or going through or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums of Money as the said Trustees shall judge reasonable; and in case of any difference between such Trustees or Commissioners, Surveyors or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County, Riding or Place wherein the Place from whence such Materials shall have been taken shall be situate, on Ten Days' Notice thereof being given in Writing by either Party to the other, shall hear, settle and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

through inclosed (exception) or open Lands, tendering Damages.

Difference as to Damages settled by Two Justices.

Notice.

XCVIII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take or carry away any Materials for making or repairing any Turnpike Road, or for other such Purpose or Purposes as aforesaid, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County, Liberty or Place where the Lands from whence such Materials are intended to be taken shall lie, to show cause why such Materials shall not be had therefrom; and in case such Owner, Agent or Occupier shall attend pursuant to such Notice, but shall not show sufficient cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer,) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Notice to be given before Materials are taken from private Lands.

Two Justices may decide therein.

Owners not attending, &c. upon Oath of Notice, Justices may proceed.

XCIX. And be it further enacted, That if any Surveyor of any Turnpike Road, or any Person employed by him, shall, by reason of the searching for, digging or getting any Gravel, Sand, Stones, Chalk, Clay or other Materials for repairing any Highways, make

If Pits or Holes are made in getting Materials, Surveyor shall cause them

to be filled up or fenced off.

or cause to be made any Pit or Hole in any common or other Lands or Grounds, Rivers or Brooks as aforesaid, wherein such Materials shall be found, the said Surveyor shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired during such Time as the said Pit or Hole shall continue open, and shall, within Three Days after such Pit or Hole shall be opened or made, where no Gravel, Stones or Materials shall be found, cause the same forthwith to be filled up, levelled and covered with the Turf or Clod which was dug out of the same; and where any such Materials shall be found, within Fourteen Days after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, cause the same to be filled up, sloped down or fenced off, and so continued; and if the same is likely to be further useful, the said Surveyor shall secure the same by Posts and Rails, or other Fences, to prevent Accidents to Persons or Cattle; and in case such Surveyor shall neglect to fill up, slope down or fence off such Pit or Hole in manner and within the time aforesaid, he or they shall forfeit the Sum of Twenty Shillings for every such Default; and in case such Surveyor shall neglect to fence off such Pit or Hole, or to slope down the same, as hereinbefore directed, for the Space of Six Days after he or they shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such several Ground, River or Brook, or any Person having Right of Common within such Common or Waste Lands as aforesaid, and such Neglect and Notice shall be proved upon Oath before One or more of the said Justices of the Peace, such Surveyor shall forfeit and pay any Sum not exceeding Ten Pounds, nor less than Forty Shillings, for every such Neglect, to be determined and adjudged by such Justice or Justices, and to be laid out and applied in the fencing off, filling up or sloping down such Pit or Hole, in such manner as the said Justice or Justices shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are hereinafter directed to be levied.

Penalty, 20s.

Not fencing off, &c. in Six Days after receiving Notice.

Penalty.

Power to Trustees to Contract for Lands to get Materials.

C. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees or Commissioners to contract and agree with any Person or Persons whomsoever for the Purchase or Demise from him, her or them of and to hold any Land or Ground for the Purpose of Digging Stones, Gravel and Materials therefrom for the Repair or Use of the said Road, and at any time afterwards to sell the Land or Ground so purchased by public Auction or Tender; provided also, that the entering into any such Contract or Agreement as last aforesaid shall not be compulsory against any Person or Persons unwilling to enter into the same.

Taking away Materials before Surveyor has discontinued digging for them.

CI. And be it further enacted, That if any Person or Persons shall take away any Materials which shall have been gotten, dug or gathered for the Repair or Use of any Turnpike Road, or any Materials out of any Quarry which shall have been made, dug or opened for the Purpose of getting Materials for any Turnpike Road, before the Surveyor of such Road and the Workmen employed for getting such Materials shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier

cupier of any private Grounds, and Persons authorized by such Owner or Occupier to get Materials in such Quarry for his own private Use, and not for Sale), every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds. Penalty.

CII. And be it further enacted, That the Trustees or Commissioners of every Turnpike Road are hereby empowered to purchase or rent any Piece or Pieces of Land or Ground, not exceeding in any one Place Six Yards square, on the Sides of such Road, as Repositories for Stone, Gravel and other Materials for making or repairing the same; and in case any Difference shall arise between such Trustees or Commissioners and the Owner of such Land or Ground, with respect to the Value thereof, or the Necessity or Propriety of taking such Land or Ground, the same shall be settled and determined by any Two of His Majesty's Justices of the Peace acting in and for the County where the said Land or Ground shall be situated, in manner hereinbefore directed with respect to getting Materials for the Repair of any Turnpike Road: Repositories for Materials. Two Justices may settle Differences arising as to Value.

CIII. And be it further enacted, That it shall and may be lawful for the Company of Proprietors, or the Trustee or Trustees for the Proprietors of any Canal, or of any Railway or Tramroad, on which any Flint, Gravel, Stone or other Materials for the Repair of any Turnpike Road shall or may be conveyed, and they are hereby authorized and empowered to lessen and reduce the Tolls and Rates imposed by any Act of Parliament by which any such Company shall be appointed, or any other Act whatsoever, on the Carriage of such Flint, Gravel, Stone or other Materials carried on the said Canal or Railway, and to appoint such lower Tolls and Rates to be taken for the Carriage and Conveyance of the same as the said Company or Trustees shall think proper; and all such reduced Tolls shall and may be collected, taken and recovered by the same Persons and Means, and by and under the same Powers, Provisions, Penalties and Forfeitures, as the original Tolls might have been taken in case the same should not have been reduced; any Act or Acts of Parliament, Byelaw or Ordinance, or Trust Deed, to the contrary notwithstanding. Canal Companies may lower their Tolls on Materials for Repairing Turnpike Roads. Reduced Tolls raised as original Tolls.

CIV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending any Turnpike Road, shall be and remain liable thereto in like manner in every respect as they now are or have heretofore been; and it shall be lawful for any Two or more Justices of the Peace in and for the County, City or Place in which any such Turnpike Road shall lie or be situate, and they are hereby required and empowered, upon Application made to them by any Three or more of the Trustees or Commissioners, or by their Clerk or Surveyor of such Turnpike Road, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon such Road by the Inhabitants of the respective Parishes, Hamlets and Places in or through which the said Road doth or shall lie, lead or pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees or Commissioners, Statute Labour to remain as heretofore. Two Justices to adjudge Proportion of Statute Work yearly on Application of Trustees.

List of Names of Persons liable to Statute Duty to be produced and laid before Justices.

sioners, or their Treasurer or Treasurers; and in order thereunto the Surveyor or Surveyors of the Highways for every such Parish, Hamlet or Place shall, on an Order in Writing made by the said Justices, on an Application to them by the Trustees or Commissioners of the Turnpike Road, or any Three or more of them, or by their Clerk or Surveyor, and respectively delivered to such Surveyor or Surveyors of the Highways, or left at his or their last or usual Place of Abode, bring and deliver within Ten Days afterwards, to the said Turnpike Surveyor, or to his Place of Abode, true and perfect Lists in Writing of the Names of the several Persons who within such Parish, Hamlet or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force or effect for the Repairs of the Public Highways, and may be made in the Form specified in the Schedule to this Act; and the said Turnpike Surveyor having received such Lists, shall within Five Days afterwards give a Notice to the Surveyor or Surveyors of the Highways of the Time when such Lists will be laid before the said Justices, in order to apportion the said Statute Duty; and at the Time appointed in and by such Notice the said Lists shall be laid before the said Justices by the said Turnpike Surveyor, in the Presence of the said

Justices to appoint Persons to do Statute Work as they think reasonable, and appoint Composition to be paid by others.

Surveyor of the Highways (if he shall attend); and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon such Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Time, (not being Haytime or Harvest), and on such Parts of the said Road, as the said Trustees or Commissioners, or their Surveyor or Surveyors, shall from time to time order, direct or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Compoaition for the Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such Parishes, Hamlets and Places respectively, to be by him or them paid over to the said Trustees or Commissioners, or their Treasurer or other Person duly authorized to receive the same, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees or Commissioners, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by

Persons neglecting to do Statute Work.

him, her or them, be subject and liable to such Fines, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on any Part of such Road, shall be found idle or negligent by any Surveyor to the said Trustees or Commissioners, such Surveyor is hereby empowered to remove and dismiss the Person who shall be so found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of such Road; all which Forfeitures shall be paid to the Treasurer of the said Trustees or Commissioners, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets or Places, shall refuse orwilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds

Penalty.

Idle Persons dismissed, and subject to Penalty.

Surveyors neglecting to give in Lists.

Penalty.

CV. And be it further enacted, That it shall be lawful for the Trustees or Commissioners of every Turnpike Road to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by him, her or them done on any such Turnpike Road, and also with the Surveyor or Surveyors of the Highways for any of the Parishes, Hamlets or Places in which the said Road doth or shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees or Commissioners shall think reasonable, in lieu of the Whole or any Part of the Statute Work or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Hamlet or Place, or by the Person or Persons so compounding, to the Treasurer of the Trustees or Commissioners in advance, on or before the Twenty ninth Day of *September* in each and every Year, or otherwise such Person or Persons, Bodies Politic or Corporate, or Inhabitants and Occupiers within such Parish, Hamlet or Place, shall not be permitted to compound for that Year; and all such Composition Money shall be applied for the Purposes of such Turnpike Road; and that every such Surveyor of the Highways who shall pay any such Composition Money shall be reimbursed the same in like manner as Surveyors of the Highways are by the Laws in being to be reimbursed the Money by them laid out and expended in buying Materials for the repairing of any other Highway or Highways.

Statute Work may be compounded for.

How Composition Money applied.

CVI. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of any Turnpike Roads to contract and agree with any Person or Persons liable to the Repair of any Part of the Road under the Care and Management of such Trustees or Commissioners, or of any Bridges thereon, by Tenure or otherwise, for the Repair thereof, for such

Trustees may contract with Persons liable to Repairs of Roads by Tenure.

such Term as they shall think proper, not exceeding Three Years, and to contribute towards the Repair of such Road or Bridges such Sum or Sums of Money as they shall think proper out of the Tolls arising on such Turnpike Road.

'CVII. And Whereas many Bridges on Turnpike Roads are 'by Prescription at present liable to be repaired by certain Pa- 'rishes, and not by the County or Counties in which they are 'situated, and which Bridges from Change of Times and Circum- 'stances are become no longer sufficiently convenient for the 'Use of the Public without being enlarged or otherwise im- 'proved;' Be it therefore further enacted, That it shall and may be lawful for any such County or Counties, Parish or Parishes respectively, to enter into a Composition or Agreement with each other, and by the Authority of those Persons who shall be legally competent to make Rates for such County and Parish respectively, whereby the Improvement and future Repair of any such Bridge shall be undertaken and lie upon the County or Counties in which such Bridge is locally situated; and that all Rates made for carrying into effect any such Composition, Agreement, Repairs or Improvement, shall be made and assessed in the same manner as other the Rates of such County or Parish respectively, and shall be good and valid to all Intents and Purposes in the Law whatsoever.

Composition with Counties for repairing Bridges repaired by Parishes.

How Rates assessed.

CVIII. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of any Turnpike Road, and for such Parish or Parishes, in like manner to enter into a Composition or Agreement with each other, and by the Authority of the Persons at present legally competent to make Rates for such Parish or Parishes, whereby, in consideration of such Sum or Sums of Money as shall be agreed upon being yearly paid to the Treasurer of the Trustees or Commissioners entering into such Composition or Agreement, out of the Rates to be raised for the Repair of the Bridge or Bridges the Subject thereof, the Repairs of any such Bridge shall, during the Continuance of any Act or Acts of Parliament under which such Trustees or Commissioners shall be appointed or act, be undertaken and carried on by the said Trustees or Commissioners; and that all Rates and Assessments raised and levied for carrying such Composition or Agreement into effect, shall, in like manner, be good and valid to all Intents and Purposes whatsoever.

Compositions may be entered into by Trustees and Parishes for Repair of Bridges.

Rates for the same valid.

'CIX. And Whereas there are or may be Turnpike Roads in 'such a State and Condition with regard to their Repairs and the 'Revenues arising upon them, that the Statute Duty required to 'be performed upon the same may be in the Whole or in Part 'dispensed with, and employed more advantageously for the Be- 'nefit of the other Public Highways within the Parish, Township 'or Place liable to the Performance of such Duty;' Be it therefore enacted, That it shall and may be lawful for the Justices of the Peace at any Special Sessions, upon Application to them made by the Surveyor of the Highways, or by any Two Inhabitants of any Parish, Township or Place, to summon before them the Clerk and Surveyor of any Turnpike Road within such Parish, Township or Place alleged to be in the Situation before described, and then and there to produce before them a State of the Revenues and

Where Repairs and Revenues of Turnpike Road such that Statute Labour not required, Justices may dispense with it.

and Debts of such Turnpike Road, and for such Justices to inquire into the State and Condition of the Repairs thereof, and also of the Repairs of such other Highways; and if it shall appear to the said Justices, upon full and clear Evidence, that the Whole or any Part of such Statute Duty may be conveniently dispensed with from such Turnpike Road, without endangering the Securities for the Monies advanced upon the Credit of the Tolls thereof, and that such Statute Duty is wanted for the Repairs of the other Highways within such Parish, Township or Place, then and in that case it shall and may be lawful for the said Justices to order the Whole or Part of such Statute Duty to be performed upon the Highways not being Turnpike within such Parish, Township or Place, under the Direction of the Surveyor thereof, during such Time as to them shall seem reasonable, and the same shall be performed accordingly.

Where Parish indicted for Non Repair of a Turnpike Road, Court to apportion Fine between Parish and Trustees or Commissioners.

CX. And be it further enacted, That when the Inhabitants of any Parish, Township or Place shall be indicted or presented for not repairing any Highway being Turnpike Road, and the Court before whom such Indictment or Presentment shall be preferred shall impose a Fine for the Repair of such Road, such Fine shall be apportioned, together with the Costs and Charges attending the same, between the Inhabitants of such Parish, Township or Place, and the Trustees or Commissioners of such Turnpike Road, in such manner as to the said Court, upon Consideration of the Circumstances of the Case, shall seem just; and it shall and may be lawful for such Court to order the Treasurer of such Turnpike Road to pay the Sum so proportioned for such Turnpike Road out of the Money then in his Hands or next to be received by him, in case it shall appear to such Court, from the Circumstances of such Turnpike Debts and Revenues, that the same may be paid without endangering the Securities of the Creditors who have advanced their Money upon the Credit of the Tolls to be raised thereupon, which Order shall be binding upon such Treasurer, and he is hereby authorized and required to obey the same.

Proviso for Creditors on Tolls.

Causeways.

CXI. And be it further enacted, That it shall be lawful for the Trustees or Commissioners to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways for the Use of Foot Passengers in, upon or on the Sides of the Turnpike Road in such manner as they shall think proper; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of any Turnpike Road, (not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees,) to be made use of by all Passengers, Cattle and Carriages, as a Public Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the Trustees or Commissioners of the Road under Repair or Alteration; and in case of any Difference concerning such Damages between such Owners or Occupiers and such Trustees or Commissioners, that then

Where Turnpike Road is ruinous, Roads may be made through adjoining Grounds.

Recompence to Owners.

Two Justices may settle Difference.

then it shall and may be lawful for any Two or more Justices of the Peace acting in and for the County wherein such Grounds shall be situate, on Fourteen Days' Notice in Writing being given by either Party to the other, to settle, adjudge and finally determine what Recompence shall be made to such Owners and Occupiers, for the Damages they shall have sustained as aforesaid.

Notice.

Trustees not empowered to repair Causeways unless specially authorized.

CXII. Provided always, and be it further enacted, That nothing herein contained as to the making or maintaining any Causeway or Footpath, or any other Matter or Provision in this Act, shall extend or be deemed or construed to extend to authorize or empower any Trustees or Commissioners of any Turnpike Road to lay down, continue, repair or maintain any Pavement, or any paved or pitched Causeway or Footpath, in or upon or at the Side of any Turnpike Road within any Town, Village or Hamlet where such Turnpike Road shall pass through the same, unless Provision shall have been or shall be specially made for that Purpose in the Act or Acts of Parliament under which such Turnpike Road shall be made, maintained or repaired; but in default of such Provision all and every such Pavement, paved or pitched Causeway or Footpath, within such Town, Village or Hamlet shall be made, repaired and maintained, by and at the Costs of the Inhabitants of such Town, Village or Hamlet, or by such other Persons as shall be in any wise liable to make, maintain and repair the same.

But such Causeway repaired, &c. by Inhabitants.

Ditches, &c. of sufficient Depth and Breadth to be made by Occupiers of Lands for keeping Roads dry.

CXIII. And be it further enacted, That Ditches, Drains or Watercourses of a sufficient Depth and Breadth, for the keeping all Turnpike Roads dry, and conveying the Water from the same, shall be made, scoured, cleansed and kept open, and sufficient Trunks, Tunnels, Plats or Bridges, shall be made and laid where any Carriageways or Footways lead out of the said Turnpike Roads into the Lands or Grounds adjoining thereto, by the Occupier or Occupiers of such Lands or Grounds; and every Person or Persons who shall occupy any Lands or Grounds adjoining to or lying near such Turnpike Road through which the Water hath used to pass from the said Turnpike Road, shall and is and are hereby required, from time to time as often as occasion shall be, to open, cleanse and scour the Ditches, Watercourses and Drains for such Water to pass without Obstruction; and that every Person making default in any of the Matters or Things aforesaid, after Ten Days' Notice to him, her or them given, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty.

Annoyances removed.

CXIV. And be it further enacted, That it shall be lawful for the Surveyor of every Turnpike Road, and such Person as he or they shall appoint, to remove and prevent all Annoyances on every Part of every Turnpike Road, by Filth, Dung, Ashes, Rubbish or any other Matter or Thing whatsoever, being laid or thrown upon any Turnpike Road, or upon any Open Common or Waste Land within Eighty Feet of the Centre thereof, and to dispose of the same for the Benefit of such Road, in case the Owner thereof shall neglect to remove the same within Twelve Hours after Notice in Writing, signed by any Two Trustees, or the Surveyor of such Road, given to such Owner for that Purpose, or in case the Owner is not known, then after a like Notice affixed for

Owners not removing.

Three

Three Days on the nearest Turnpike Gate; and to turn any Watercourses, Sinks or Drains running into, along or out of any Turnpike Road, or any Part thereof, to the Prejudice of the same, and to open, scour and cleanse any Watercourses or Ditches adjoining to any Turnpike Road, and make the same as deep and large as he shall think proper and necessary, in case the Owners or Occupiers of the adjoining Lands shall neglect to open, scour or cleanse such Watercourses or Ditches after Seven Days' Notice in Writing given for that Purpose; and the Charges thereof, and of removing any Annoyances, to be settled by any One or more Justices of the Peace of the County or Place where such Part of the Turnpike Road shall lie, shall be reimbursed to the said Surveyor by such Owners or Occupiers, and the same shall be recovered in such manner as the Penalties and Forfeitures are hereinafter directed to be recovered; and if after the Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Watercourses and Drains may be turned.

Owners not cleaning upon Notice, to pay the Costs, &c.

Second Offence. Penalty.

CXV. And be it further enacted, That in all Cases where any Gutter, Drain, Sink, Sewer or Underdrain made or hereafter to be made under or at the Sides or near any Turnpike Road, shall be used as well for the Conveyance of the Water from such Turnpike Road, as for conveying Water, Filth or other Matters from the Houses or Premises of the Inhabitants of any Town, Hamlet, Village, Street or Place, and no specific Mode of Repair, or Persons liable to the Expences of maintaining the same shall be appointed, the Expence of maintaining and repairing such Gutter, Drain, Sink, Sewer or Underdrain, shall be borne and defrayed equally or in Proportions by the Trustees or Commissioners of such Turnpike Road, and the Inhabitants of the Town, Hamlet, Village, Street or Place, using the same; and in order to ascertain the Proportion and recover such Expences, the Surveyor of the Turnpike Road under or at the Sides or near to which such Gutter, Drain, Sink, Sewer or Underdrain shall be situated, shall as often as shall be requisite repair the same, and shall then make out an Account of the Costs and Expences of such Reparation, and produce the same to any Two or more Justices of the Peace acting for the County or Place where such Gutter, Drain, Sink, Sewer or Underdrain, or so much thereof as shall be repaired, shall lie; and it shall and may be lawful for the said Justices, and they are hereby authorized and empowered, to examine the Accounts and Statements to be produced to them, and to inquire as to the Persons using such Gutter, Drain, Sink, Sewer or Underdrain, and to proportion the Amount to be paid by the Trustees or Commissioners of the Turnpike Road, and by the Inhabitants and Persons using such Gutter, Drain, Sink, Sewer or Underdrain respectively, and to fix and ascertain the Amount of such Proportion as they the said Justices shall deem just and reasonable, to be paid by the said several Parties respectively; and if any Person or Persons shall neglect or refuse to pay the Sum directed by the said Justices to be paid by him, her or them, the same shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing, by a Warrant under the Hands and Seals of any Two or more Justices of the Peace, acting for the County or Place where such Person or Persons shall reside.

Expences of repairing Drains, &c. in Towns to be defrayed equally between Trustees and Inhabitants.

Account of Expence of Repairs laid before Two Justices, who shall proportion Amount to be paid by the Parties.

If not paid, Distress.

CXVI. And

Owners of adjoining Lands to cut Hedges, &c. obstructing Road.

CXVI. And be it further enacted, That the Owners or Occupiers of the Land next adjoining to every Turnpike Road, shall cut, prune and trim their Hedges to the Height of Six Feet from the Surface of the Ground, and also cut down, prune or lop the Branches of Trees, Bushes and Shrubs growing in or near such Hedges or other Fences adjacent thereto (such Fences, Trees, Bushes or Shrubs, not being in any Garden, Orchard, Plantation, Walk or Avenue to a House, nor any Tree, Bush or Shrub, being an Ornament or Shelter to a House, unless the same shall hang over the Road, or any Part thereof, in such a manner as to impede or annoy any Carriage or Person travelling thereon,) in such manner that the Turnpike Road shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Turnpike Road to the Damage thereof; and that if such Owner or Occupier shall not within Ten Days after Notice given by the Surveyor for that Purpose, cut, prune and trim such Hedges, or cut down, prune or trim such Branches of Trees, Bushes and Shrubs in manner aforesaid, it shall and may be lawful for the said Surveyor, and he is hereby required to make Complaint thereof to some Justice of the Limit where such Turnpike Road shall lie, who shall summon the Occupier of such Lands before him to answer the said complaint; and if it shall appear to such Justice that such Occupier has not complied with the Requisites of this Act in that Behalf, it shall and may be lawful for such Justice, upon hearing the Surveyor and Occupier of such Land or his Agent (or in default of his or her Appearance, upon having due Proof of the Service of such Summons), and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed and pruned, and such Branches of Trees, Bushes and Shrubs to be cut down or pruned, or trimmed in such manner as may best answer the Purposes aforesaid; and if the Occupier of such Lands shall not obey such Order within Ten Days after it shall have been made, and he or she shall have had due Notice thereof, he or she shall forfeit the Sum of Two Shillings for every Twenty four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed and pruned, and the Sum of Two Pence for every Tree, Bush or Shrub which shall be so directed to be cut down, pruned or trimmed; and the Surveyor, in case of such Default made by the Occupier, shall and he is hereby required to cut, prune and trim such Hedges, and to cut down, prune or trim such Branches of Trees, Bushes and Shrubs, in the manner directed by such Order, and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expences of doing the same, or in Default thereof, such Charges and Expences shall be levied, together with the said Forfeitures, upon his or her Goods and Chattels, by Warrant from a Justice of the Peace, in such manner as is authorized for Forfeitures incurred by virtue of this Act.

If neglected for Ten Days, Surveyor may complain to a Justice, who may order same to be done.

If not done within Ten Days.

Penalty.

Hedges, &c. may be trimmed at Expence of Defaulter.

Distress.

Time of cutting Hedges, &c.

CXVII. Provided always, and be it further enacted, That no Person or Persons shall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Encroaching

CXVIII. And be it further enacted, That if any Person shall make

make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence on or at the Sides of any Turnpike Road, in such manner as to reduce the Breadth or confine the Limits thereof, or shall fill up or obstruct any Ditch at the Side thereof, or shall make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence on any Common or Waste Land on the Side or Sides of any Turnpike Road, within the Distance of Thirty Feet, if within Three Miles of any Market Town, or if beyond that Distance, within Twenty five Feet from the Middle or Centre thereof; or shall make any Drain, Gutter, Sink or Watercourse across, or otherwise break up or injure the Surface of any Turnpike Road, or of any Part thereof, or shall plough, harrow or break up the soil of any Land or Ground, or in ploughing or harrowing the adjacent Lands, shall turn his or their Plough or Harrow in or upon any Land or Ground within the Distances aforesaid from the Middle or Centre of any Turnpike Road made or to be made, or make any other Encroachment on any Turnpike Road within the Distances aforesaid from the Middle or Centre thereof; every Person so offending shall forfeit, for every such Offence, Forty Shillings to such Person as shall make Information of the same; and it shall be lawful for the Trustees or Commissioners who have the Care of any such Road, to cause such Dwelling House or other Building, Hedge, Ditch or Fence, Drain, Sink, Watercourse, Gutter or other Encroachment to be taken down or filled up, or where any Ditch shall be filled up or obstructed, to be opened and cleansed at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace of the County where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy, as well the Expences of taking down or filling up or cleansing such Dwelling House or other Building, Hedges, Ditches, Drains or other Encroachments as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner on Demand.

on Roads, making Drains across, or otherwise injuring Roads, or turning Ploughs too near Ground within a certain Road.

Penalty.

Encroachments to be removed.

Expences and Penalties levied by Distress.

CXIX. And be it further enacted, That the said Trustees or Commissioners shall cause Stones or Posts to be set up or placed in or near the Sides of every Turnpike Road, at the Distance of One Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place, and also such Direction Post at the several Roads leading out of any such Road, or at any Crossings, Turnings or Terminations thereof, with such Inscriptions thereon denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees or Commissioners shall think proper; and also to cause to be painted in legible Characters, on some Wall or Board at the Entrance of every Town or Village, the Name of such Town or Village, and shall also cause Stones to be put up marking the Boundaries of Parishes where such Boundaries shall cross any Turnpike Road, and from time to time to repair or renew such Stones, Posts and Boards, and keep and continue legible the Inscriptions on such Stones, Posts, Walls and Boards respectively; and if any Person or

Milestones and Direction Posts to be erected.

Names of Towns, &c. put up at Entrance; Stones to mark Boundaries of Parishes.

Defacing the same.

or Persons shall wilfully break, cut down, pull up or damage any such Posts, Stones or Boards, or shall obliterate, deface, spoil or destroy all or any of the Letters, Figures or Marks which shall be inscribed or painted thereon, or on any such Walls, and be thereof convicted before any Justice of the Peace for the County, City or Place where such Offence shall be committed, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty.

'CXX. And Whereas by several Acts of Parliament relating to 'particular Turnpike Roads, Power is given to the Trustees to 'water the Roads during certain Months in the Year, and to take 'additional Tolls on account of the said watering, and the Time 'specified in such Acts has been found in many Instances too 'limited to afford to the Public all the Advantages which might be 'derived from watering the said Roads:' Be it further enacted, That wherever an Act or Acts has or have been passed to enable the Trustees of any Turnpike Road or Roads to water the same or any Part thereof, and to take an additional Toll for such watering during a limited Time in the said Act or Acts specified, it shall and may be lawful for the Trustees of the said Road or Roads, at any General Meeting held for that Purpose, to order that such Part of the said Road or Roads as by the Local Act or Acts relating to the same is allowed or directed to be watered, and a certain additional Toll to be taken for such watering, shall be watered, and the said additional Toll for watering the same may be demanded and taken for any Time between the First Day of *March* in every Year and the First Day of *November* following; and the said Trustees shall have and they are hereby authorized to exercise and enforce all the Powers, Authorities, Remedies and Penalties, for collecting the said additional Tolls for watering the Roads during the Time aforesaid, as they now by Law have for any other Tolls which may be demanded and collected on the said Roads.

Time for watering Roads extended.

Powers to Trustees for Collecting Tolls, &c.

Riding on Footpaths, damaging Bridge, &c.;

CXXI. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway, by the Side of any Turnpike Road, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine or Cattle or Carriage of any Description, or any Wheelbarrow, Truck or Sledge, or any single Wheel of any Waggon, Cart or Carriage apart therefrom, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails or Fences thereof, or shall wilfully pull down or damage any Bridge, Wall or any other Building or Erection made by the Trustees or Commissioners of any Turnpike Road, or repaired or repairable by them; or shall haul or draw, or cause to be hauled or drawn upon any Part of such Turnpike Road, any Timber, Stone or other Thing, otherwise than upon Wheeled Carriages, or shall suffer any Timber, Stone or other Thing, which shall be carried principally or in part upon Wheeled Carriages, to drag or trail upon such Road to the Prejudice thereof; or shall use any Tipstick, Joggle or other Instrument for the Purpose of retarding the Descent of any Cart or other Carriage down

drawing Timber, &c.;

injuring Surface of Road;

down any Hill, in such manner as to destroy, injure or disturb the Surface of any Turnpike Road; or shall in or upon such Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress or cut up any Beast, Swine, Calf, Lamb or other Cattle; or if any Person driving any Horse or other Beast on the said Road, carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any manner to obstruct or impede the Passage of any Person; or any Horse, Beast or Carriage travelling along such Turnpike Road; or if any Hawker, Higler, Gipsy or other Person or Persons travelling with any Machine, Vehicle, Cart or other Carriage, with or without any Horse, Mule or Ass, shall pitch any Tent, Booth, Stall or Stand, or encamp upon or by the Sides of any Part of any Turnpike Road; or if any Blacksmith, or other Person occupying a Blacksmith's Shop situate near any Turnpike Road, and having a Window or Windows fronting the said Road, shall not, by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Road; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent or other Firework whatsoever, within Eighty Feet of the Centre of such Road; or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket or any other Game or Games upon such Road, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart or other Carriage whatever upon such Road, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, except in cases of Accident, and in cases of Accident for a longer Time than may be necessary to remove the same, or shall not place such Waggon, Wain or other Carriage during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish or other Matter or Thing whatsoever upon such Road, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Road or Footways, or to the Prejudice, Annoyance, Interruption or personal Danger of any Person or Persons travelling thereon; or shall suffer any Water, Filth, Dirt or other offensive Matter or Thing whatsoever, to run or flow into or upon such Road or Footpaths, from any House, Building, Erection, Lands or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon such Road shall suffer such Pigs or Swine to root up or Damage such Road, or the Fences, Hedges, Banks or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon or other Carriage in going up a Hill or rising Ground, cause or

slaughtering &c. Cattle;

obstructing Travellers;

Gypsies, &c. pitching Tents;

Light of Blacksmiths' Shops.

making Bonfires, &c.;

baiting Bulls, Football, &c.;

leaving Waggons, &c. in improper Places;

laying Timber, &c.;

by running of Filth, &c.;

driving Swine;

leaving Block Stones, &c.;

suffer to be or remain on such Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if any Person or Persons shall pull down, damage, injure or destroy any Lamp or Lamp Post put up, erected or placed in or near the Side of any Turnpike Road or Toll House erected thereon, or shall extinguish the Light of any such Lamp, every Person offending in any of the Cases aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby.

damaging Lamps or Lamp Posts.

Penalty.

Surveyors to impound Cattle found straying on the Roads.

CXXII. And be it further enacted, That if any Horse, Ass, Sheep, Swine or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying or lying about any Turnpike Road, or across any Part thereof, or by the Sides thereof (except on such Parts of any Road as lead or pass through or over any Common or Waste or uninclosed Ground), it shall and may be lawful for any Surveyor of the Road where the same shall be found, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine or other Beast or Cattle, in the Common Pound of the Parish, Township, Tithing or Place where the same shall be, or in such other Place as the Trustees or Commissioners of the Road where the same shall be found shall have provided for that Purpose; and the said Horse, Ass, Sheep, Swine or other Beast or Cattle there to detain, until the Owner or Owners thereof shall for everyand each Horse, Ass, Sheep, Swine or other Beast or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges and Expences shall not be paid within Four Days after such impounding, it shall and may be lawful for the Surveyor of the Road on which the same shall have been seized, to sell or cause to be sold every such Horse, Ass, Sheep, Swine or other Beast or Cattle; and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping and selling every such Horse, Ass, Sheep or Swine or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Owner to pay 5s. for every Beast impounded, besides Charges.

Penalty, Charges and Expences, how raised.

Persons guilty of Pound breach.

CXXIII. And be it further enacted, That in case any Person or Persons shall release or attempt to release, any Cow, Horse, Ass, Swine or other Live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage or destroy the same Pound or Place or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon Confession of the Party or Parties offending, or upon the

the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of such of the said Counties wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months. Punishment.

'CXXIV. And Whereas Doubts may arise as to what is to 'be deemed the Road, or the Centre of the Road;' Be it therefore enacted, That where, in this or any other Act of Parliament relating to Turnpike Roads, any Matter or Thing is directed or forbidden to be done within a certain Distance of the Centre of the Road, that Portion of Ground shall be deemed and taken to be the Road which has been maintained by the Trustees or Commissioners as hard Road, and repaired with Stones, Gravel or other Materials used in forming Roads, for Six Months immediately preceding any Offence committed against such Regulations; and the Centre of the Road shall be the Middle of such hard Road, where a Line being drawn along the Road or a Point marked, an equal Number of Feet of hard Road which have been so maintained and repaired as aforesaid for Six Months before, shall be found on each Side of such Line or Mark: Provided always, that nothing herein contained shall authorize any Person or Persons to inclose or make any Encroachment on any Waste Lands or Grounds lying on the Side of any Turnpike Road, being Part of the Highway, and over which the King's Subjects have been used and accustomed to pass; but every Person who shall inclose such Waste Lands and Grounds, or obstruct the Right of Passage over the same, shall continue and be subject to the same Process and Penalties as if this Act had not been made. What shall be deemed the Centre of the Road. No Encroachment on Waste Lands lying on Side of Road.

CXXV. And be it further enacted, That no Door or Gate of any Building, Park, Paddock, Field or Inclosure whatsoever, shall be made to open into or towards any Part of any Turnpike Road, or of any Footpath belonging thereto, or be suffered to continue so to open, except the Hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Turnpike Road, as that no Part of such Door or Gate shall, when open, project over any Part of such Turnpike Road, or any Footpaths belonging thereto; and the Occupier or Occupiers of any Building, Park, Paddock, Field or Inclosure having any Door or Gate opening outwards, contrary to the Meaning of this Act, shall, within Fourteen Days after Notice to him, her or them given, either personally or in Writing, from the Surveyor of any Turnpike Road, cause such Door or Gate to be hung so that no Part of the same, when open, shall project over any Part of such Turnpike Road, or any Footpath belonging thereto; and in Default thereof, the Surveyor of the said Turnpike Road is hereby authorized to cause the Door or Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where such Neglect shall appear, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of Gates to open inwards. Gates opening outwards to be removed. Owner to pay the Expence of Removal.

making the Alteration and hanging such Door or Gate, and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Penalty.

Trustees or Commissioners may direct the using of Skid Pans or Slippers.

CXXVI. And be it further enacted, That it shall and may be lawful to and for the Trustees or Commissioners of every Turnpike Road, at any Meeting to be held for that Purpose, on Ten Days' Notice in Writing of such Meeting being affixed upon the Turnpike Gates on the Road, and they are hereby authorized and empowered, from time to time as they shall think fit, to order and direct that in all Cases where any Waggon or Cart shall descend any Hill or Hills on the said Road with either of the Wheels locked, a Skid Pan or Slipper shall be used or placed at the Bottom of such Wheel during the whole Time of its being so locked, in such manner as to prevent the said Road from being destroyed or injured by the locking of such Wheel; and that it shall and may be lawful for the said Trustees or Commissioners from time to time to repeal, alter or renew such Order as they shall think necessary; and that whilst any such Order so to be made as aforesaid shall be in force, all and every Person or Persons who shall drive or act as the Driver of any Waggon or Cart down any Hill or Hills with either of the Wheels locked, and without using or having such Skid Pan or Slipper at the Bottom of such Wheel in manner aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings: Provided always, that a Copy of such Order shall be affixed on all the Turnpikes standing on such Road, for Thirty Days at least before the same shall be in force.

Driver not using them.

Penalty.

Erecting Windmill within 200 Yards of Road.

Penalty.

CXXVII. And be it further enacted, That no Person shall hereafter erect or cause any Windmill to be erected within the Distance of Two hundred Yards from any Part of any Turnpike Road, under the Penalty of Five Pounds for each and every Day such Windmill shall continue: Provided always, that nothing herein contained shall be construed to render legal the Re-erection or Continuance of any Windmill in any Case where by the Common Law such Windmill shall be a public or private Nuisance.

Maliciously destroying Turnpike Gates, &c.

CXXVIII. And be it further enacted, That if any Person or Persons whatsoever shall wilfully or maliciously pull down, pluck up, throw down, level or otherwise destroy or damage any Turnpike Gate, or any Chain, Rail, Post or Bar, or other Fence or Fences belonging to any Turnpike Gate, or any other Chain, Bar or Fence of any Kind whatsoever, set up or erected, or hereafter to be set up or erected, to prevent Passengers passing by without paying any Toll directed to be paid by any Act or Acts of Parliament relating thereto, or any House or Houses erected or to be erected for the Use of any such Turnpike Gate or Turnpike Gates, or any Weighing Engine; or shall forcibly rescue any Person or Persons being lawfully in Custody of any Officer or other Person for any of the Offences before mentioned; that then and in any of the said cases, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported to One of His Majesty's Plantations abroad for Seven Years, or in Mitigation thereof shall suffer such other Punishment as the Court may direct, as in Cases of Petit Larceny.

Felony.

CXXIX. And

Names of Owners to be painted on Waggons or other Carriages in manner herein mentioned.

CXXIX. And for the better Discovery of Offenders, be it further enacted, That the Owner or Owners of every Waggon, Wain or Cart, and also of every Coach, Post Chaise or other Carriage, let either in the Whole or in Part to hire, shall paint or cause to be painted in a straight Line upon some conspicuous Part of his Waggon, Wain or Cart, or upon the Shafts thereof, and upon the Pannels of the Doors of all such Coaches, Post Chaises or other Carriages, before the same shall be used upon any Turnpike Road, his, her or their Christian and Surname, and the Place of his, her or their Abode, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, in large legible Letters not less than Half an Inch in Height, and continue the same thereupon so long as such Waggon, Cart, Coach, Post Chaise or other Carriage shall be used upon any such Turnpike Road; and the Owner of every Common Stage Waggon or Cart employed in travelling Stages from Town to Town, shall, over and above his or her Christian and Surname, paint or cause to be painted on the Part, and in the manner aforesaid, the following Words, "Common Stage Waggon" [*or* Cart, as the case may be]; and every Owner or Proprietor of any such Waggon, Cart, Wain, Coach, Post Chaise or other Carriage as aforesaid, using or allowing the same to be used upon any Turnpike Road without the Names and Descriptions painted thereon respectively as aforesaid, or who shall paint or cause to be painted any false or fictitious Name or Place of Abode on such Waggon, Wain, Cart, Coach, Post Chaise or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Neglect.

Penalty.

One Driver may take charge of Two Carts if drawn only by One Horse each.

CXXX. And be it further enacted, That it shall and may be lawful for any one Person to act as the Driver of Two Carts on any Turnpike Road, and for such Carts to pass and travel on any Turnpike Road, being only under the Care and Superintendence of such single Person: Provided always, that such Carts when under the Care of only One Person shall not be drawn by more than One Horse each, and the Horse of the hinder Cart shall be attached by a Rein or Reins to the Back of the Cart which shall be foremost; and in case the said Horse shall not be so attached, the Driver of the said Carts shall forfeit the Sum of Twenty Shillings, to be recovered as other Penalties are by this Act to be recovered: Provided also, that this Enactment shall not extend, or be construed to extend, to Carts travelling on any Turnpike Road within Ten Miles from the Cities of *London* or *Westminster*.

Not within Ten Miles of London.

Children not to drive Carts, &c.

'CXXXI. And Whereas Numbers of Carts and Waggons, and 'frequently more than One, are intrusted to the Care of Children, 'who are unable to guide the Horses drawing the same;' Be it therefore enacted, That no Cart or Waggon travelling on any Turnpike Road, shall be driven by any Person or Persons who shall not be of the full Age of Thirteen Years, under a Penalty not exceeding Ten Shillings, to be paid by the Owner of such Cart or Waggon.

Penalty on Owner.

Drivers of Waggons, &c. not to ride thereon, unless guided;

'CXXXII. And Whereas many Accidents happen, and great 'Mischiefs are frequently done, upon Streets and Highways, being 'Turnpike Roads, by the Negligence or wilful Misbehaviour of 'Persons driving Carriages thereon;' Be it therefore enacted,

That if the Driver of any Waggon or Cart of any Kind shall ride upon any such Carriages in any Turnpike Road, not having some other Person on Foot or on Horseback to guide the same, (such light Carts as are usually driven with Reins, and are then conducted by some Person holding the Reins of the Horse or Horses, not being more than Two, drawing the same, excepted), or if the Driver of any Carriage whatsoever on any Part of any Turnpike Road shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing or being upon such Road, or shall quit the Road and go on the other Side the Hedge or Fence inclosing the same, or wilfully be at such Distance from such Carriage, or in such a Situation whilst it shall be passing upon such Turnpike Road that he cannot have the Direction and Government of the Horses or Cattle drawing the same; or if any Person shall drive, or act as the Driver of any such Coach, Post-chaise or other Carriage let for Hire, or Waggon, Wain or Cart, not having the Owner's Name as hereby required painted thereon, or shall refuse to discover the true Christian and Surname of the Owner or Principal Owners of such respective Carriage; or if the Driver of any Waggon, Cart, Coach, or other Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road, or if any Person shall in any manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon such Road, or by Negligence or Misbehaviour prevent, hinder or interrupt the free passage of any Carriage, or of His Majesty's Subjects, on any Turnpike Road, every such Driver † so offending in any of the cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace of the Limit where such Offence shall be committed, or where such Offender shall be apprehended, shall for every such Offence forfeit any Sum not exceeding Forty Shillings in case such Driver shall not be the Owner of such Carriage; and in case the Offender be the Owner of such Carriage, then any Sum not exceeding Five Pounds; and in either of the said cases shall, in default of Payment, be committed to the House of Correction for any Time not exceeding One Month, unless such Forfeiture shall be sooner paid; and every such Driver offending in either of the said cases shall and may, by the Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be conveyed before some Justice of the Peace, to be dealt with according to Law; and if any such Driver, in any of the cases aforesaid, shall refuse to discover his Name, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction for any Time not exceeding Three Months, or to proceed against him for the Penalty aforesaid, by a Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name.

Drivers hurting or damaging others; or quitting Road;

or driving Carriage without Owner's Name;

or not keeping the Left or Near Side; or interrupting free Passage;

† *Sic.*

Penalty on Driver not being Owner.

On Driver being Owner.

Driver not discovering his Name.

Penalty.

Punishment

Trustees or Commissioners

CXXXIII. And be it further enacted, That the Trustees or Commissioners of any Turnpike Road, at a Public Meeting, may

and they are hereby empowered, if they think fit, to direct Prosecutions by Indictment or otherwise, against the Offender or Offenders for any Nuisance or other Offence done, committed or continued in or upon any of the Turnpike Roads under their Care respectively, or to recover any Penalty or Forfeiture incurred under the Provisions of this or any other Turnpike Act, at the Expence of the Revenues belonging to such Turnpike Roads, to be allowed by such Trustees or Commissioners at some subsequent Meeting.

may direct Prosecutions for Nuisances, &c.

CXXXIV. And be it further enacted, That in all Cases where any Action shall be brought by or against any Trustee or Trustees, or Commissioner or Commissioners of any Turnpike Road, Evidence of such Trustee or Trustees, Commissioner or Commissioners, having acted as such, together with the Act of Parliament by which he or they was or were appointed, or the Order, or a Copy of the Order for his or their Appointment or Election, in case he or they was or were appointed or elected by the Trustees or Commissioners, shall be sufficient Proof of his or their being a Trustee or Trustees, Commissioner or Commissioners.

If Action brought against Trustee, Evidence of appointment and acting sufficient.

CXXXV. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of any Act of Parliament relating to Turnpike Roads, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees or Commissioners, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees or Commissioners, to the Party or Parties entitled to receive the same, within Fourteen Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or Commissioners or their Treasurer, in puruance of the Direction or Order made by such Justice or Justices, then and in such case the Amounts of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees or Commissioners by virtue of any such Act, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such case such Overplus shall be returned on demand to the said Trustees or Commissioners, or to their Treasurer for the time being, as the case may be.

Recovery of Money awarded against the Trustees.

Distress.

Overplus to Trustees.

CXXXVI. And be it further enacted, That every Constable, Headborough or Tithingman refusing or neglecting to put this Act

Persons employed with

Salaries refusing to execute Act.

into Execution, or to account for and deliver any Forfeiture or Penalty according to the Directions of this Act, and every Surveyor of any Turnpike Road, and every Toll Collector, and all other Persons employed or to be employed by any Trustees or Commissioners appointed or to be appointed for the repairing Roads, who do or shall receive Salaries or Rewards, who shall wilfully neglect, for the Space of One Week after any Offence being to their Knowledge committed, to lay such Information upon Oath before One or more of His Majesty's Justices of the Peace for the Limit wherein such Offence was committed, as by this Act is directed, shall, upon due Information made upon Oath before One of His Majesty's Justices of the Peace for the said Limit, forfeit for every such Neglect the Sum of Five Pounds.

Penalty, 5l.

Inhabitants good Witnesses.

CXXXVII. Provided always, and be it further enacted, That no Conviction shall be had or made by virtue of this Act, unless upon the View of a Justice convicting, or on Confession of the Party accused or upon the Oath of One or more credible Witness or Witnesses, and that any Inhabitant of any Parish, Township or Place in which any Offence shall be committed contrary to this Act, shall not be deemed an incompetent Witness by reason of his or her being an Inhabitant of such Parish, Township or Place; and that any Justice of the Peace may act in the Execution of this Act, notwithstanding he may be a Creditor, or a Trustee or Commissioner for making, repairing and maintaining the Roads on which any Offence contrary to this Act shall be committed.

Witnesses not attending when summoned, upon Tender of Expences.

CXXXVIII. And be it further enacted, That if any Person or Persons after having been paid or tendered a reasonable Sum of Money for his, her or their Costs, Charges and Expences, shall be summoned as a Witness or Witnesses to give Evidence before any Justices of the Peace, touching any Matter of Fact contained in any Information or complaint for any Offence against any Act of Parliament relating to Turnpike Roads or this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her or their Refusal or Neglect, or appearing shall (after having been paid or tendered a reasonable Sum for his Costs, Charges and Expences) refuse to be examined upon Oath, and give Evidence before such Justice of the Peace, then and in either of such cases such Person shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Penalty.

Resisting Execution of Act, or assaulting Collectors.

CXXXIX. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or any particular Act made for amending any Turnpike Road, or shall assault any Surveyor, or any Collector or Collectors of the Tolls, in the execution of his or their Office or Offices, or shall pass through any Turnpike Gate or Gates, Rail or Rails, Chain or Chains, or other Fence or Fences set up or to be set up by Authority of Parliament, without paying the Toll appointed to be paid at such Gate or other Fence, or shall hinder or make any Rescue of Cattle or other Goods distrained by virtue of this Act, every such Person offending therein shall for every such Offence forfeit any Sum not exceeding Ten Pounds, at the Discretion of the

the Justice or Justices of the Peace before whom he or she shall be convicted. Penalty.

'CXL. And Whereas Offences may be committed against this 'Act, or other Acts for repairing and maintaining Turnpike 'Roads, by Persons unknown to the Collectors or other Officers;' Be it therefore further enacted, That it shall be lawful for any of the Trustees or Commissioners of any Turnpike Road, or their Clerk or Clerks, or their Collectors, Surveyors or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her or them before any Justice of the Peace for the County, District, or Place near to the Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall, and is and are hereby required to proceed and act with respect to such Offender or Offenders, according to the Provisions of this or any other Acts for repairing Turnpike Roads. Transient Offenders secured. Proceedings.

CXLI. And be it further enacted, That all Penalties, Forfeitures and Fines by this Act inflicted or authorized to be imposed (the Manner of levying and recovering and applying whereof is not herein otherwise directed), shall upon Proof and Conviction of the Offences respectively, before any Justice of the Peace for the County, Riding or Place where the Offence shall have been committed, (as the case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, under the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Riding or Place where Recovery and Application of Penalties. Distress. Penalties not paid. Proceedings. Imprisonment.

where the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from time to time paid,

How Penalties divided.

one Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to the Treasurer or Treasurers to the Trustees or Commissioners for repairing and maintaining the Road on which such Offence shall have been committed, and applied and disposed of for the Purposes of such Road and of this Act.

Justices may mitigate Penalties.

CXLII. Provided always, and be it enacted, That it shall and may be lawful for any Justice or Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, or any Act for making and repairing Turnpike Roads, if he or they shall think proper, to mitigate or reduce the Penalty incurred by such Person, so as such Reduction or Mitigation do not exceed Two thirds of the Penalty to which such Person would be liable under this or any other Act.

Prosecutors may recover by Information or by Action, &c.

CXLIII. And be it further enacted, That every Prosecutor or Informer shall sue for and recover any Forfeiture or Penalty imposed by this or any other Act or Acts of Parliament made for erecting Turnpikes, or for repairing and amending Turnpike Roads, in the manner hereinafter mentioned; (that is to say), if the same shall exceed the Sum of Twenty Pounds or upwards†, it shall be recoverable by Action of Debt in any of His Majesty's Courts of Record, in which it shall be sufficient to declare that the Defendant is indebted to the Plaintiff in the Sum of being forfeited by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act, if the Offence shall be committed under it*, or, *An Act, &c. setting out the Title of the Act under which the Penalty shall be claimed*]; and the Plaintiff, if he recover in any such Action, shall have full Costs, provided that there shall not be more than One Recovery for the same Offence, and that Twenty one Days' Notice be given to the Party offending, previous to the Commencement of such Action, and that the same be brought and commenced within Three Calendar Months after the Offence for which such Action is brought shall have been committed; and if such Penalty or Forfeiture shall not exceed the Sum of Twenty Pounds, and shall be more than Five Pounds, the same shall be recoverable only by Information before a Justice of the Peace, subject to appeal in manner hereinafter mentioned; and if such Penalty or Forfeiture shall not exceed the Sum of Five Pounds, the same shall in like manner be recoverable only by Information before a Justice of the Peace, and no Writ of Certiorari to remove the same shall be allowed.

† *Sic.*

Notice and Limitation of Action.

Penalty how recovered.

Appeal.

No Certiorari.

Party aggrieved may recover Satisfaction for Special Damages.

CXLIV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, or any other Act for repairing, amending or maintaining any Turnpike Road, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same, be deemed

deemed a Trespasser or Trespassers on account of any Default or want of Form in any Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards done in making the Distress; but the Person or Persons aggrieved by such Irregularity, may recover the Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, Trespass or wrongful Proceedings, if tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings, or Orders and Judgment, shall be had, made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Tender of Amends.

If no Tender, Proceedings.

CXLV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, except under the particular Circumstances hereinafter mentioned, and for which no particular Method of Relief hath been already appointed, such Person, in case the Penalty or Forfeiture shall exceed the Sum of Forty Shillings, where the Appeal is to be against a Conviction for a Penalty or Forfeiture, may appeal to the Justices of the Peace, at the next General Quarter Sessions of the Peace to be held for the Limit wherein the Cause of such Complaint shall arise, such Appellant first giving or causing to be given to such Justice, by whose Act or Acts such Persons shall think himself or herself aggrieved, Notice in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, within Six Days after the Cause of such Complaint arose, and within Four Days after such Notice entering into Recognizances before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions, and also to pay the Penalty or Forfeiture, in case the Conviction should be affirmed; and each and every Justice of the Peace, having received Notice of such Appeal as aforesaid, shall return all Proceedings whatever had before him respectively, touching the Matter of such Appeal, to the said Justices at their General Quarter Sessions aforesaid, on pain of forfeiting Fifty Pounds for every such Neglect; and the said Justices at such Session, upon due Proof of such Notice having been given as aforesaid, and of such Recognizance having been entered into in manner before directed, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper, to be levied and recovered as hereinbefore directed, and the Determination of such Quarter Sessions shall be final and conclusive, to all Intents and Purposes; and no Proceeding to be had or taken in pursuance of this Act, shall be quashed

Appeal to Quarter Sessions.

Notice.

Recognizance.

Costs.

Justice upon Notice of Appeal to return Proceedings to Quarter Sessions.

Penalty, 50l.

Final.

No Certiorari.

quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding: Provided always, that in case there shall not be time to give such Notice and enter into Recognizances as aforesaid, before the next Sessions to be holden after the Conviction of the Appellant, then and in every such case such Appeal may be made to the next following Sessions, and shall be there heard and determined.

Proviso where not sufficient Time for Notice, &c.

Power to administer Oaths.

CXLVI. And be it enacted, That where any Oath or Affirmation is by this or any Act relating to any Turnpike Road required and directed to be made or taken, the Justices of the Peace of any County or Place, or the Trustees or Commissioners of any Turnpike Road, (as the case may be,) and according to the several Jurisdictions herein given to them respectively as aforesaid, shall and they are hereby respectively empowered to administer the same.

Limitation of Actions.

CXLVII. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, then and in every such case such Action or Suit shall be commenced or prosecuted within Three Months after the Fact committed, and not afterwards; and the same and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and at the Trial thereof, give this Act and the special Matter in Evidence; and if the Matter or Thing complained of shall appear to have been done under the Authority and in Execution of this Act, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County or Place than as aforementioned, then the Jury shall find for the Defendant or Defendants, and if the Plaintiff shall become Nonsuit, or discontinue his or her Action after the Defendant shall have appeared, or have a Verdict against him or her, or if upon Demurrer, Judgment shall be given against the Plaintiff, the Defendant shall and may recover Treble Costs, and have the like Remedy for Recovery thereof as any Defendant or Defendants hath or have in any Cases by Law.

General Issue.

Treble Costs.

Forms in Schedule to be used.

CXLVIII. And be it further enacted, That the Forms of Proceeding relative to the several Matters contained in this Act, which are set forth and expressed in the Schedule hereunto annexed, may be used upon all Occasions, with such Additions and Variations only as may be necessary to adapt them to the particular Exigencies of the Case, and that no Objection shall be made or Advantage taken for want of Form in any such Proceedings by any Person or Persons whomsoever.

Proviso for Commercial Road, and Branches thereof, authorised by 43 G. 3. c. ci. 44 G. 3. c. xxxvii.

CXLIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed, adjudged, deemed or taken to extend to the Turnpike Road, called the *Commercial Road*, or the several Branches leading from and out of the same, authorized to be made, repaired and maintained under and by virtue of Five several Acts of Parliament made and passed in the Forty third, Forty fourth, Forty sixth, Forty ninth and

and Fifty first Years of the Reign of His late Majesty King *George* the Third, for making and maintaining the Roads communicating with the *West* and *East India* Docks, and for repairing the *Cannon Street* Road, and for making and maintaining a New Road to *Barking*, and a Road from the *Rumford* and *Whitechapel* Road to *Tilbury Fort* in the Counties of *Middlesex* and *Essex*, and also for making a new Branch of Road from *King David Lane*, *Shadwell*, to the *Essex* Road at *Mile End* in the County of *Middlesex*, or to affect, encroach upon, vary, alter or interfere with any of the Tolls, Weights or Duties created by virtue of the said Acts or any of them, or any of the Powers and Authorities given to or vested in the Trustees acting under or by virtue of the said Acts, or any or either of them.

46 G. 3. c. cxxv. 49 G. 3. c. clxxii. and 51 G. 3. c. xlii.

CL. Provided always, and be it enacted, That nothing herein contained shall be deemed, construed or taken to extend to an Act passed in the Fifty sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving the Road from the City of* Glasgow *to the City of* Carlisle, or to Three several Acts amending the same, passed in the Fifty eighth and Fifty ninth Years of the Reign of His said late Majesty, and in the First and Second Years of the Reign of His present Majesty.

And for Stat. 56 G. 3. c. lxxxiii. Glasgow Road to Carlisle.

CLI. And be it further enacted, That all Persons concerned or interested in any Bill for making or repairing any Turnpike Road, or for widening or diverting such Road, may signify their Consent to the same by Affidavit, taken and authenticated according to the Form hereinafter prescribed, unless the Committee of either House of Parliament to whom such Bill, or the Petition of such Bill, shall be referred, shall otherwise order.

How Parties interested to signify Consent to Turnpike Bill.

CLII. And be it further enacted, That it shall and may be lawful for any One or more Justice or Justices of the Peace, or Master or Masters Extraordinary in Chancery, to take Affidavits on Oath or Affirmation (which Oath or Affirmation such Justice or Justices, or Master or Masters Extraordinary in Chancery, is and are hereby authorized and empowered to administer) of the Answers that may be given by the Owners and Occupiers of Lands, on Applications made to them for their Consent to such Bill; and every Affidavit shall be in the Form following, as near as the Circumstances of the Case will admit:

Justices or Masters Extraordinary empowered to take certain Affidavits.

'*A. B.* of maketh Oath, and saith, That he 'did apply to *C. D.* who he believes to be the Owner of [*set out* '*the Property*] being Part of the Lands through which the in- 'tended Turnpike Road from *E.* to *F.* is to be carried, or the 'Alteration to be made (*as the case may be,*) and that he re- 'ceived from such Owners the Answers set forth in the Paper 'hereunto annexed. (Signed) *A. B.*

'Sworn [*or*, solemnly affirmed,] before me [*as in the other Forms* '*hereinbefore set forth.*]

'As Witness my Hand and Seal,'

No Stamp Duty.

And no such Affidavit as aforesaid shall be subject or liable to any Stamp Duty now payable by any Act or Acts of Parliament, or which shall hereafter be imposed, unless specially named and made subject thereto by the Act or Acts of Parliament imposing the same.

CLIII. Pro-

Proof of Handwriting of Justice sufficient Evidence of Signature before Committee of Parliament.

CLIII. Provided always, and be it enacted, That Proof of the Handwriting of any Justice of the Peace, or Master Extraordinary in Chancery, before whom any such Affidavit shall be made as aforesaid, shall be sufficient Evidence of the Signature of such Justice or Master Extraordinary before any Committee of either House of Parliament, without any Witness being produced who was present at the Time when such Affidavit was made, and without a Witness being produced to prove that such Justice of the Peace or Master Extraordinary in Chancery, before whom such Affidavit was made, was at the Time of making such Affidavit a Justice of Peace or Master Extraordinary in Chancery.

The SCHEDULE to which the Act refers;

CONTAINING

The FORMS of PROCEEDINGS mentioned in the foregoing Act.

No. I.

ORDER of Trustees for erecting a Weighing Engine.

AT A MEETING of the Trustees of the Turnpike Roads under an Act passed in the Year of the Reign of His Majesty King George the " For [*state the Title of the Act*] held at the Day of

IN pursuance of the Powers given to us by an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, for regulating Turnpike Roads, we do hereby order that an Engine proper for the weighing of Carriages of the Constructions and Weights specified in the said Act, be forthwith erected at, or as near as conveniently may be to the Toll Gate or Bar now erected upon the said Turnpike Road at ; and that *A. B.* the [Treasurer, Clerk *or*] Surveyor of the said Turnpike Road, do contract with some proper Person [*or*, with *C. D.*] [*in case the Trustees shall think fit to name the Person*] for the making and erecting such Engine, and do inspect and take care that the same is properly done; and we do order the Gatekeeper at the said Gate or Bar for the time being to attend the said Weighing Engine, and carefully to weigh all Carriages passing loaded upon the said Road, at the Place where such Engine shall be erected, together with the Loading thereof, and to take the several additional Tolls or Rates for Overweight, and give Tickets of the Weight of such Carriages and Loading, when required by the Driver thereof, and also to enter in a separate Book to be kept by him for that Purpose, an Account of every Carriage so weighed, which shall with the Loading exceed the Weights allowed by the said Act, and account to us for the Money received for all such Overweight.

No. II.

TABLE of Weights allowed in Winter and Summer, to Carriages directed to be weighed (including the Carriage and Loading) by the Act of the Third George the Fourth.

	SUMMER.		WINTER.	
	Tons.	Cwts.	Tons.	Cwts.
To every Waggon with Nine Inch Wheels - - - -	6	10	6	—
To every Cart with Nine Inch Wheels	3	10	3	—
To every Waggon with Six Inch Wheels - - - -	4	10	4	—
To every Cart with Six Inch Wheels	2	15(a)	2	10(a)
To every Waggon with Wheels of the Breadth of Four Inches and a Half	4	5	3	15
To every Cart with Wheels of the Breadth of Four Inches and a Half	2	12	2	7
To every Waggon with Wheels of Three Inches - - - -	3	15	3	5
To every Cart with Wheels of Three Inches - - - -	1	15	1	10

(a) [*These Weights do not agree with the Weights in* § 12., *but it is so in the Roll.*]

No. III.

AGREEMENT between Trustees of different Turnpike Roads for erecting One Weighing Engine for the Use of such Roads.

AT A MEETING of the Trustees of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For [*state the principal Part of the Title of the Act*] and also of the Trustees of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For [&c. *as above*], held at the Day of for the Purpose of agreeing upon and ordering a Weighing Engine at the joint Expence of the Trustees, for the Use of the said several Turnpike Roads, pursuant to the Powers given by an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, "For regulating Turnpike Roads."

IT appearing to us, that a Weighing Engine may be erected at [*describing the Spot where it can be most conveniently placed*], which will accommodate both the said Turnpike Roads, according to the true Intent and Meaning of the said Act: We do therefore order, &c. [*as in the Form above mentioned*], and we do hereby agree and order, that the Expences of making and erecting the said Weighing Engine, and the Sum of which we do hereby agree and order shall be paid to the Toll Gatherer attending the said Toll Gate for the time being, weekly for his extraordinary Trouble in attending the said Weighing Engine, shall be advanced and paid by the Treasurers of the said several Turnpike Roads, in the Shares and Proportions following; *videlicet*, that the Treasurer of the

Road

Road shall pay [One half], [Two third], [Three fourth] Parts thereof, [*as the Trustees shall agree*], and the Treasurer of the Road shall pay the remaining [One half], [One third], *or* [One fourth] Part thereof; and that the Money to be received at the said Weighing Engine by Forfeitures for Overweight, shall be paid to the said respective Treasurers in the like Proportions, and applied by them for the Use of the said respective Turnpike Roads.

(Signed)

No. IV.

NOTICE of a Meeting of Trustees for ordering a Side Gate to be erected.

NOTICE is hereby given, That the Trustees of the Turnpike Roads under an Act passed in the Year of the Reign of King George the "For [*state the material Parts of the Title of the Act*], will meet at the House of at on the Day of next, at the Hour of in the noon, in order to consult about erecting a Toll Gate on the Side of the said Turnpike Road, at or near a Place called across a certain Highway there, leading to

Dated the Day of

A. B. Clerk to the said Trustees.

No. V.

ORDER of the Trustees for erecting a Side Gate.

AT A MEETING of the Trustees of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For [*here state the material Parts of the Title of the Act*], being assembled this Day of to enforce the Directions of an Act passed in the Third Year of the Reign of King George the Fourth, "For regulating Turnpike Roads," [*as far as the same respects the erecting of Side Gates.*]

IN pursuance of public Notice given in Writing upon all the Toll Gates erected on the said Road, and also in the Newspapers circulated in this Part of the Country, for Fourteen Days now last past, We do order, that a Toll Gate shall be erected on the Side of the said Turnpike Road, at or near a Place called across a certain Highway there, leading to and that the following Toll be taken at the said Gate, videlicet, [*here insert the particular Tolls to be taken at the said Side Gate.*]

No. VI.

NOTICE for letting Tolls.

NOTICE is hereby given, That the Tolls arising at the Toll Gate [*or* Toll Gates, *if more than One*], upon the Turnpike Road at called or known by the Name of the Gate, will be let by Auction to the best Bidder, at the House of at on the Day

Day of next, between the Hours of and in the manner directed by the Act passed in the Third Year of the Reign of His Majesty King George the Fourth, "For regulating Turnpike Roads," which Tolls produced the last Year the Sum of above the Expences of collecting them, and will be put up at that Sum: whoever happens to be the best Bidder must at the same Time pay One Month in advance (if required) of the Rent at which such Tolls may be let, and give Security, with sufficient Sureties, to the Satisfaction of the Trustees of the said Turnpike Road, for Payment of the Rest of the Money Monthly, [*or in such other Proportions as shall be directed.*]

A. B. Clerk to the Trustees of the said Turnpike Road.

No. VII.

ORDER of Trustees for reducing the Tolls.

AT A MEETING of the Trustees of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For, &c. [*state the principal Part of the Title of the Act*], held at the Day of

WE whose Names are subscribed, being or more of the Trustees acting under the said Act, being now assembled for reducing the Tolls authorized to be taken by and under the said Act, pursuant to public Notice given for that Purpose in the Newspapers circulated in this Part of the Country, and also affixed upon all the Turnpike Gates erected upon the said Turnpike Road, for upwards of One Calendar Month now last past, and having the Consent of the several Persons entitled to Five sixths Parts of the Money now remaining due upon the Credit of the said Tolls, this Day signified and proved to us, do hereby order, that the Tolls granted by the said Act shall, from and after the Day of be lessened and reduced in the following manner [*here state the several Reductions proposed to be made.*]

No. VIII.

AGREEMENT between the Trustees of a Turnpike Road and a Person liable by Tenure to repair some Part of it.

AT A MEETING of the Trustees of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For [*state the principal Part of the Title of the Act*], held at the Day of

WHEREAS *A. B.* of is liable by Tenure, &c. [*as the case shall be*] to the Repair of a certain Highway leading between and of the Length of Yards or thereabouts, and the said Highway being now made Turnpike Road by virtue of the said Act, will occasion a greater Expence to make and keep the same in proper Repair, than would have been necessary if no such Act had been obtained, and the said *A. B.* attending this Meeting in Person [*or*, by

by *C. D.* his Attorney or Agent authorized to treat in his Behalf], the said Trustees and the said *A. B.*, &c. in pursuance of a Power given by an Act passed in the Third Year of the Reign of King George the Fourth, "For regulating Turnpike Roads," have, in order to put and keep the said Road in proper Condition and Repair, come to the following Agreement, videlicet; That the said Trustees shall on or before the Day of next, pay and allow the Sum of out of the Tolls arising upon the said Turnpike Roads towards putting the said Road into proper Repair, to be laid out and expended by the Surveyor of the said Turnpike Road, and that the said *A. B.* shall advance and pay into the Hands of the Treasurer of the said Turnpike Road on or before the Day of next, the Sum of to be also laid out and expended by the said Surveyor in the Repair of the said Road, and that from and after the next, the said Turnpike Road shall be kept in Repair by the said Trustees out of the said Tolls as aforesaid, so long as the said Turnpike Act shall continue, upon the said *A. B.* paying into the Hands of their Treasurer the Sum of upon the in every Year, which the said *A. B.* doth hereby for himself and his Heirs agree to pay accordingly, so long as the said Road shall be so repaired by the said Trustees as aforesaid.

[*Or, if it shall be agreed that A. B. shall keep the Road in Repair upon having an annual Allowance in Money or Statute Duty from the said Trustees, let the Agreement be varied and adapted to the Case.*]

No. IX.

MAGISTRATES' SUMMONS.

To the Surveyors of the Highways of the Parish of in the County of

UPON Application made by Surveyor of the Turnpike Roads from appointed by the Trustees for putting into Execution an Act of Parliament passed in the Year of the Reign of His Majesty King George the intituled "An Act

by Order of the Trustees for the said Road to us, Two of His Majesty's Justices of the Peace acting in and for the said County, We do hereby summon you, the Surveyors of the Highways of the Parish or Place of in the said County, to deliver a List to the said as such Surveyor as aforesaid, at his House, situate in the said County, within Days after the Service of this Summons, of the Names of the several Persons, Inhabitants of the said Parish or Place, and who are by Law subject and liable to do Statute Work for the present Year upon the Road situate in the said Parish or Place, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; and We the said Justices do hereby require you to make such Lists of Names, in such Manner and under such

such Regulations and Restrictions as is or are directed by any Law or Statute now in Force and Effect for the Repair of the Public Highways.

And in case you shall refuse or wilfully neglect to give in such List as aforesaid, or shall knowingly or wilfully give in a false or imperfect List, you so offending will for every such Offence forfeit and be liable to pay a Sum not exceeding Ten Pounds.

Given under our Hands and Seals this Day of in the Year of our Lord 182 .

No. X.

NOTICE to be given to Surveyors of Highways.

To the Surveyors of the Highways of the Parish or Place of in the County of

I DO hereby give you Notice, that the List delivered by you to me as Surveyor of the Turnpike Road from to in the said County of of the Names of the several Persons who within your said Parish or Place are by Law liable to do Statute Work for the present Year, or to the Payment of Money in lieu of or as a Composition for such Statute Work, will be laid before Two of His Majesty's Justices of the Peace for the said County, in pursuance of the Directions of the Act, passed in the Year of His Majesty King George the , intituled "An Act on the Day of at in the said County, in order that such Two Justices may adjudge and determine what Part or Proportion of the Statute Work for the said Year shall be done upon the said Road, and also what Proportion of the Composition Money shall be paid to the Trustees of the said Road, or to their Treasurer. And I do hereby give you further Notice, that I shall apply to the Justices for [*One half, One third, as the case may be*] of the Statute Duty from your Parish for this Year, which according to the List delivered by you will be (*say*) Days in the whole in Composition Money. If you object to this Division, you will in course appear, but if not, the same will be confirmed by the Justices, if they think proper.

Dated this Day of

Surveyor of the said Turnpike Road.

No. XI.

JUSTICES' ORDER, apportioning Statute Labour.

} WE, Two of His Majesty's Justices of the Peace,
to wit. } acting in and for the County of upon Application by the Surveyor appointed by the Trustees of the Turnpike Road from to in the said County, in pursuance of an Act of Parliament, passed in the Year of the Reign of His Majesty King George the intituled *An Act for* do adjudge and determine that the Inhabitants of the Parish of in the said County of shall do Part or

Proportion of the Statute Work for the ensuing Year upon such Turnpike Road in the said Parish of being a Parish in which the said Road lies, and that Proportion of the Money received by the Surveyor or Surveyors of the Highways of such Parish or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees of the said Turnpike Road, or to their Treasurer, or other Person authorized by them to receive the same, on or before the Day of ; the Names of the several Persons appointed to do such Proportion of the Statute Work on the said Turnpike Road appear in the Schedule to this Order.

Given under our Hands the Day of 182 .

(Signed)

No. XII.

ORDER of Justices at a Special Sessions to take Part of the Statute Duty from Turnpike Roads, for the Benefit of other Highways in the said Parish, &c.

County of } AT A SPECIAL SESSIONS held by the Jus-
to wit. } tices of the Peace for the said County acting in the [Hundred] of within the said County, at on the Day of

WHEREAS Application and Complaint upon Oath has been made unto us by *A. B.* Surveyor of the [Parish, &c.] of that the several Highways, not being Turnpike, within the said [Parish, &c.] are very extensive and in bad Repair, and that a considerable Part of the Statute Duty arising within the said [Parish, &c.] hath been called forth and required to be applied in the Repair of certain Turnpike Roads lying within the said [Parish, &c.] which are in good Condition, and have a considerable Revenue for their Support, arising from the Tolls collected thereupon; and we having duly summoned *C. D.* the Surveyor of the said Turnpike Road to appear before us, to show cause why the said Statute Duty called forth and applied by him to the Repair of the said Turnpike Road, should not be withdrawn therefrom and applied to the Repair of the other Highways within the said [Parish, &c.] and upon hearing the said *C. D.*, and receiving an Account of the Revenues and Debts of the said Turnpike Road, and of the State and Condition of the Repair of the said Turnpike Road and Highway respectively; and it appearing to us, upon full Consideration had thereupon, that Part of the Statute Duty hitherto employed by the said [Parish, &c.] for the Repair of the said Turnpike Road may be conveniently dispensed, without endangering the Securities for the Money advanced upon the Credit of the Tolls thereof, and that such Statute Duty is wanted for the Repairs of the other Highways within the said Parish; We, in pursuance of the Power given to us by the Act passed in the Third Year of the Reign of King George the Fourth, "For regulating Turnpike Roads," do order that from and after the Day of next, there shall be only [One] Day's Statute Duty performed by the Inhabitants of the said [Parish, &c.] upon the said Turnpike Road within the same, and that the Remainder

Remainder of the Statute Duty shall be performed upon the other Highways within the said [Parish, &c.]

[*If there are more Turnpike Roads than One, or the whole Statute Duty shall be thought fit to be taken away, this Form must be varied to fit those Cases; the Summons to the Surveyors will be very easily formed from this Order.*]

No. XIII.

CERTIFICATE of the above Order to the Justices of the Peace at their Quarter Sessions.

I, *A. B.* Clerk to the Trustees mentioned in the above Order, do hereby certify to the Justices of the Peace for the [County] [Riding] [Division] of at their General Quarter Sessions of the Peace, that the above is a true Copy of the Order made by the said Trustees for the Purposes therein mentioned. Dated this Day of

A. B.

No. XIV.

AGREEMENT by Subscription for advancing Money to make and repair a Turnpike Road or Highway.

WE whose Names are subscribed, do agree to advance and pay the several Sums wrote by us opposite to our Names, unto to be laid out and expended in the making and repairing a certain Highway leading from to after an Act of Parliament shall be obtained for making the same Turnpike Road, upon having the Tolls to be collected upon such Turnpike Road assigned and made over to us as a Security for the respective Sums so to be advanced by us, together with Interest for the same after the Rate of per Centum per Annum, which Sums we do hereby severally agree to pay by Instalments, in the following manner, *videlicet*; One Fourth Part thereof on the Day of next; One other Fourth Part, [*&c. &c. &c.*]

Dated this Day of

No. XV.

WARRANT from a Justice of the Peace to enter the Toll Gate House and remove the Persons therein.

County of } TO the [Constable], [Headborough], [Tithing-
to wit. } man], of in the said County.

WHEREAS Complaint hath been made unto me *A. B.* Esquire, One of His Majesty's Justices of the Peace for the said County, upon the Oath of and other Evidence now produced to me, that *C. D.*, who now inhabits the Turnpike or Toll Gate House at upon the Turnpike Road leading from to and was appointed to collect the Tolls there, hath been duly discharged by the Trustees of the said Turnpike Road, from any further collecting or receiving the Tolls arising at the said Gate, and hath refused and still doth refuse to quit the Possession of the said

House, and the said *C. D.* having been summoned to appear before me this Day, to shew Cause why he should not be removed from the said House, and having shewn no sufficient Cause for that Purpose [*or*, not having appeared], I do hereby authorize and require you, with such Assistance as shall be necessary, to enter into the said Toll House or Turnpike House, and the Buildings belonging thereto, in the Day time, and to remove the said *C. D.* and all such Persons as shall be found therein, together with his and their Goods, out of such House and Buildings, and to put *E. F.*, the Person lately appointed by the Trustees to collect such Tolls, into the Possession thereof, for which this shall be your sufficient Warrant.

Given under my Hand and Seal this Day of

[*This Form may be varied to suit the Case of the Widow or Family of a deceased Collector.*]

No. XVI.

BOND from the Surveyor.

WE, *A. B.* Surveyor of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For [*state the principal Part of the Title of the Act*], and *C. D.* of are bound to *E. F.* of in the Sum of Pounds, to be paid to the said *E. F.* his Executors, Administrators and Assigns, for which Payment we hereby bind ourselves severally, and each of our Heirs, Executors and Administrators.

Dated the Day of

The Condition of this Bond is such, that if the said *A. B.* his Executors or Administrators shall duly and faithfully account for, apply and pay all and every the Sum and Sums of Money which hath come or shall come to his Hands as Surveyor of the Turnpike Road aforesaid, according to the Direction and true Intent and Meaning of the said Act, and of the Statute made in the Third Year of the Reign of His Majesty King George the Fourth, "For regulating Turnpike Roads," then this Bond to be void, or else to remain in full force.

[*The Bond from the Treasurer will be in the same Form.*]

No. XVII.

SUMMONS for any Person or Persons to attend a Justice or Justices.

County of } To *A. B.* of
to wit. }

WHEREAS Complaint and Information has been made before me, *C. D.* One of His Majesty's Justices of the Peace for the said [County, &c.] by *E. F.* of
That, &c. [*here state the Nature and Circumstances of the Case, as far as it shall be necessary to show the Offence, and to bring it within the Authority of the Justice, and in doing that, follow the Words of the Act, as near as may be*] These are therefore to require you personally to appear before me [*or*, the Justices to

be assembled at their Special Sessions to be holden] at in the said [County, &c.] on the Day of next at the Hour of in the noon, to answer to the said Complaint and Information made by the said *E. F.* who is likewise directed to be then and there present, to make good the same. Herein fail not.

Given under my Hand, this Day of

No. XVIII.

INFORMATION.

County of } BE it remembered, That on the
to wit. } Day of *A. B.* of in the said County, informeth me One of His Majesty's Justices of the Peace for the said County, That of in the said County [*here describe the Offence, with the Time and Place, and follow the Words of the Act, as near as may be*] contrary to the Statute made in the Third Year of the Reign of King George the Fourth, "For regulating Turnpike Roads," which hath imposed a Forfeiture of for the said Offence. Taken the Day of before me, *A. B.*

No. XIX.

FORM OF CONVICTION.

County of } BE it remembered, That on the
to wit. } Day of in the Year of the Reign of and in the Year of our Lord *A. B.* is convicted before me One of His Majesty's Justices of the Peace, for the said County, for [*here specify the Offence, and when and where committed,*] contrary to the Form of the Statute made in the Year of the Reign of intituled [*here set forth the Title of the Act,*] and I do hereby declare and adjudge that the said *A. B.* hath forfeited, for the said Offence, the Sum of [*or*, shall be committed to for the space of *as the case may be*]

Given under my Hand and Seal the Day and Year first above written.

C. D.

No. XX.

WARRANT to distrain for Forfeiture.

To the [Constable], [Headborough], *or* [Tithingman] of

County of } WHEREAS *A. B.* of in the
to wit. } said County, is this Day convicted before me, *C. D.* Esquire, one of His Majesty's Justices of the Peace in and for the said County upon Oath of *G. H.* a credible Witness, for that the said *A. B.* hath [*here set forth the Offence, describing*

it particularly in the Words of the Statute, as near as may be] (contrary to the Statute in that Case made and provided), by reason whereof the said *A. B.* hath forfeited the Sum of to be distributed as herein is mentioned, which he hath refused to pay: These are therefore in His Majesty's Name to command you to levy the said Sum of by Distress of the Goods and Chattels of him the said *A. B.*; and if within the Space of Four Days next after such Distress by you taken, the said Sum, together with the reasonable Charges of taking and keeping the same, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale, that you do pay One Half of the said sum of to *E. F.* of who informed me of the said Offence, and the other Half of the said Sum of to *I. K.* the Surveyor of the Turnpike Road [*describing it*] where the said Offence [Neglect *or* Default] happened, to be employed towards the Repair of the said Road, returning the Overplus on Demand to him the said *A. B.* [the reasonable Charges of taking, keeping and selling the said Distress being first deducted]; and if sufficient Distress cannot be found of the Goods and Chattels of the said *A. B.* whereon to levy the said Sum of that then you certify the same to me, together with this Warrant.

Given under my Hand and Seal, the Day of

C. D.

No. XXI.

RETURN of the Constable, to be made upon the Warrant of Distress, where there are no Effects.

I *A. B.* Constable of the [Parish, &c.] of in the County of do hereby certify and make Oath, That by virtue of this Warrant I have made diligent Search for the Goods of the within named and that I can find no sufficient Goods whereon to levy the within Sum of

As witness my Hand, the Day of

A. B.

Sworn before me, the Day and Year, &c.

C. D.

No. XXII.

COMMITMENT for Want of Distress.

County of } To the [Constable] of in the
to wit. } said County and to the Keeper of the Common Gaol [*or*, the House of Correction] at in the said County.

WHEREAS *A. B.* of in the said County, was on the Day of convicted before me *C. D.* Esquire, One of His Majesty's Justices of the Peace in and for the said County, upon the Oath of *E. F.* a credible Witness, for that he the said *A. B.* [*here set forth the Offence*], contrary to the Statute made in the Third Year of the Reign of His Majesty King George the Fourth, "For regulating Turnpike

Turnpike Roads," by reason whereof the said *A. B.* hath forfeited the Sum of And whereas on the Day of in the Year aforesaid, I did issue my Warrant to the [Constable] of to levy the said Sum of by Distress and Sale of the Goods and Chattels of him the said *A. B.* and to distribute the same according to the Directions of the said Statute: And whereas it duly appears to me, upon the Oath of the said [Constable], that the said [Constable] hath used his best Endeavours to levy the said Sum on the Goods and Chattels of the said *A. B.* as aforesaid; but that no sufficient Distress can be had whereon to levy the same: These are therefore to command you, the said [Constable] of aforesaid, to apprehend the said *A. B.* and him safely to convey to the Common Gaol [*or* House of Correction] at in the said County, and there deliver him to the Keeper thereof together with this Precept: And I do also command you the said Keeper, to receive and keep in your Custody the said *A. B.* for the Space of Three Months, unless the said Sum shall be sooner paid pursuant to the said Conviction and Warrant; and for so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, the Day of in the Year of our Lord

C. D.

No. XXIII.

NOTICE of Appeal to the Quarter Sessions.

A. B. Take Notice, that I intend to appeal to the next General Quarter Sessions of the Peace to be holden for the [County, &c.] of against an Order [Conviction, *or* other Proceeding], (*as the case may be*), [*particularly specifying the Purport of such Order, &c. and assigning the Grievance and Cause of Complaint.*]

Dated the Day of

C. D.

No. XXIV.

No. XXIV.—General Statement of the Income and Expenditure of the [*insert the Name of the particular Road*], between the ——— Day of ———, and the ——— Day of ———.

CAP. CXXVII.

An Act for applying certain Monies therein mentioned for the Service of the Year One thousand eight hundred and twenty two, and for further appropriating the Supplies granted in this Session of Parliament. [6th *August* 1822.]

§ I.	£.1,500,000 0 0	Out of Duties on Tea of 59 *G.* 3. *c.* 53., granted to make good the Supply for *Great Britain* and *Ireland* for 1822.	
II.		Also any Sum of Money which may be paid into the Exchequer, in respect of Exchequer Bills issued pursuant to 57 *G.* 3. *cc.* 34. 124. for carrying on Public Works and Fisheries in the United Kingdom.	
III.		Also such Part of the Balance remaining in the Exchequer, or which may be advanced and paid into the same by the Bank, pursuant to 56 *G.* 3. *c.* 97., with a Proviso for Repayment to the Bank when such Balance is less than 100,000*l.*	
IV.	151,000 0 0	Arising from the Sale of old Naval and Victualling Stores - - -	To be applied as hereinafter expressed.
V.		Any Number of Exchequer Bills to be made out according to 48 *G.* 3. *c.* 1., which shall be paid out of the Supplies, or out of the Instalments, to be paid on the Loan of 7,500,000*l.* as by *c.* 73. *ante* - -	
VI.	3,000,000 0 0	Monies raised by Exchequer Bills not exceeding 3,000,000*l.* under *c.* 6. *ante* - - -	
	20,000,000 0 0	By Exchequer Bills under *c.* 8. *ante* - - -	
	4,000,000 0 0	Part of a Sum remaining in the Exchequer, or to be received on the 11th *February* 1822, to complete the Aids granted for 1821	
	7,500,000 0 0	Money coming into the Exchequer by Contributions for Annuities - -	
	2,450,000 0 0	For Pensions and Superannuations, under *c.* 51. *ante* - - -	
	1,500,000 0 0	(Granted above, § I.) -	

				Monies arising by Lotteries, under *c.* 101. *ante* -			
				Money paid in respect of Exchequer Bills for carrying on Public Works, under 57 *G.* 3. *cc.* 34. 124.			
	£.151,000	0	0	(Granted above, § IV.) - -			
				Such part of the Balance of Public Money remaining in the Exchequer, or which may be paid in by the Bank on or before 5th *April* 1823, pursuant to 56 *G.* 3. *c.* 97. provided -			
	508,617	0	0	From the East India Company, under *c.* 93. *ante.*			
	16,500,000	0	0	For Exchequer Bills, granted by *c.* 122. *ante.*			
VII.	5,480,325	2	11	For Naval Service (that is to say,)			
	593,775	0	0	For Wages for 21,000 Men, including 8000 Royal Marines, -	At *per* Man *per* Month	£. *s.* *d.* 2 3 6	
	532,350	0	0	For Victuals,	At *per* Man *per* Month	1 19 0	For 13 Months.
	559,650	0	0	For Wear and Tear of Ships	At *per* Man *per* Month	2 1 0	
	81,900	0	0	For Ordnance for Sea Service, - -	At *per* Man *per* Month	0 6 0	
	55,616	5	1	For Salaries and Contingent Expences of Admiralty Office - - -			
	31,304	1	6	For ditto ditto Navy Pay Office - - -			
	64,890	18	6	For ditto ditto Navy Office			
	34,817	10	0	For ditto ditto Victualling Office - - -			
	25,269	6	2	For ditto ditto *Deptford* Yard - - - -			
	29,005	10	0	For ditto ditto *Woolwich* Yard - - - -			
	34,760	19	5	For ditto ditto *Chatham* Yard			
	22,890	10	6	For ditto ditto *Sheerness* Yard - - -			
	48,003	8	2	For ditto ditto *Portsmouth* Yard - - -			
	42,741	19	6	For ditto ditto *Plymouth* Yard - - - -			
	9,540	18	6	For ditto ditto Out Ports -			
	31,838	2	8	For ditto ditto Foreign Yards			
	40,767	0	0	For ditto ditto Victualling Yards - - -			
	63,674	7	7	For Medical Establishments			
	6,695	4	7	For Royal Naval College,			

				and School for Naval Architecture - - -	
£.	121,499	19	8	For Wages to Officers and Men of Vessels in Ordinary - - - -	
	75,778	3	7	For Victuals for ditto - -	
	68,000	0	0	For Harbour Moorings and Riggings - - - -	
	300,000	0	0	For Ordinary Repairs of Ships, &c. in the several Yards - - - -	For the Year 1822.
	964,000	0	0	For Half Pay to Naval Officers - - - -	
	140,495	18	7	For Superannuations, Pensions and Allowances to Officers in the Military Line, of the Naval Service, their Widows, &c. -	
	1,500	0	0	For Bounty to Chaplains -	
	7,000	0	0	For Widows and Orphans on the Compassionate List -	
	105,000	0	0	For Deficiency of Funds for Widows of Commission and Warrant Officers of the Navy - - -	
	126,772	19	0	For Superannuations to Commissioners, &c. and Allowances in lieu of Half Pay to Naval Officers formerly employed in the Naval Departments - - -	
	610,578	0	0	For Building and Repairs of Ships of War, over and above what is proposed to be done upon the Heads of Wear and Tear and Ordinary - - - -	
	265,000	0	0	For the Purchase of Provisions for Troops, &c. on Foreign Stations, and for Convict Service, and the Value of Rations for Troops to be embarked on board Ships of War and Transports - - -	
	231,000	0	0	For Transport Service -	
	154,200	0	0	For Improvements in the Dock Yards - - -	
VIII.	7,755,042	4	10½	For Land Forces and other Services hereinafter more particularly expressed; (that is to say,)	
	1,848,019	19	0	For Land Forces in *Great Britain* and on Stations abroad (except the *East Indies*) - - -	

£.	684,449	15	6 net	For Land Forces in *Ireland*	From the 25th *December* 1821, to the 24th *December* 1822, both inclusive.
	96,848	2	1	For General and Staff Officers and Officers of Hospitals serving with the Forces in *Great Britain* and on Foreign Stations (excepting *India*) - -	
	22,061	16	6 net	For ditto in *Ireland* -	
	14,512	5	5	For the Office of Commander in Chief and his Personal Staff, his Secretaries, &c. - - -	For the Year 1822.
	43,185	15	0	For Allowance to the Secretary at War, Deputy Clerks and contingent Expences - - -	
	26,903	0	0	For ditto to Paymaster General, his Deputies, Clerks, &c. - - -	
	6,844	0	0	For ditto to Adjutant General, his Deputy and Assistants at Head Quarters, Clerks, &c. - -	
	320	0	0	For ditto to Deputy Adjutant General in *North Britain*, his Clerks, &c. -	From the 25th *December* 1821, to the 24th *March* 1822.
	6,176	8	3	For ditto to Quarter Master General, his Deputy and Assistants at Head Quarters, Clerks, &c.	For the Year 1822.
	250	0	0	For ditto to Quarter Master General in *North Britain*, his Clerks, &c. -	From the 25th *December* 1821, to 24th *March* 1822.
	4,580	0	0	For ditto to Judge Advocate General, his Deputy, Clerks, &c. - - -	For the Year 1822.
	12,765	0	0	For ditto to Comptrollers of Army Accounts, Secretary, Clerks, &c. - -	
	5,715	0	0	For ditto to the Principal Officers of the Army, Medical Department, their Secretary, Clerks, &c. -	
	10,331	10	5 net	For ditto to the Principal Officers of certain Public Departments in *Ireland*, their Deputies, Clerks, and contingent Expences	From the 25th *December* 1821, to the 24th *December* 1822, inclusive.
	19,350	0	0	For Medicines and Surgical Materials for Land Forces on the Establishment of *Great Britain* - -	For the Year 1822.
	7,006	12	6 net	For ditto in *Ireland* - -	

£.	118,550	0	0	For the Charge of Volunteer Corps in *Great Britain* -	From 25th *December* 1821, to 24th *December* 1822.
	61,319	19	8 net	For ditto in *Ireland* -	
	23,198	5	11	For ditto of Four Troops of Dragoons and Ten Companies of Foot stationed in *Great Britain*, for recruiting the Corps employed in the Territorial Possessions of the East India Company - -	
	180,522	6	3	For ditto of the Pay of General Officers in the Land Forces, not being Colonels of Regiments upon the Establishment of *Great Britain* - -	
	1,903	12	4 net	For ditto in *Ireland* -	
	28,894	18	1	For ditto of Garrisons at Home and Abroad, on the Establishment of *Great Britain* - - -	For the Year 1822.
	6,250	12	9 net	For ditto of Garrisons in *Ireland* - - -	
	137,297	11	4	For ditto of Full Pay of retired Officers and unattached Officers of Forces on the Establishment of *Great Britain* - -	
	7,937	0	0 net	For ditto of Full Pay of retired Officers in *Ireland* - - -	
	764,200	0	0	For ditto of Half Pay to reduced Officers of Land Forces, on the Establishment of *Great Britain* -	
	44,765	5	5 net	For ditto ditto in *Ireland*	
	60,193	9	0	For ditto of Military Allowances to reduced Ofcers of Land Forces, upon the Establishment of *Great Britain* - -	
	1,652	4	6 net	For ditto ditto in *Ireland*	
	114,870	0	0	For ditto of Half Pay and reduced Allowances to Officers of Disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and Allowances to Widows and Children of deceased Foreign Officers - - -	

£.	35,665	12	10	For In Pensioners of *Chelsea* Hospital - - -	
	16,247	1.	6 net	For ditto *Kilmainham* ditto	From the 25th *December* 1821, to the 24th *December* 1822, both inclusive.
	975,453	17	9	For Out Pensioners of *Chelsea* ditto - -	
	214,443	12	0 net	For ditto *Kilmainham* ditto	
	102,827	16	8	For ditto for Pensions to Widows of Officers of Land Forces, and Marines upon the Establishment of *Great Britain* - -	
	21,449	2	6 net	For ditto for *Ireland* -	
	179,202	0	5	For ditto Allowances on the Compassionate List of Allowances, as of His Majesty's Royal Bounty, and of Pensions to Officers for Wounds - -	
	36,932	9	4	For ditto for Allowances, Compensations and Emoluments in the Nature of Superannuation or retired Allowances to Persons formerly belonging to several public Departments in *Great Britain*, in respect of their having held any public Offices or Employments of a Civil Nature - - -	
	7,026	2	5 net	For ditto in *Ireland* -	
	33,000	0	0	For Fees expected to be paid at the Exchequer by Paymaster General of Forces, on Issues for Army Services - -	
	83,176	10	9	For the Charge of Three Royal Veteran Battalions in *Ireland* - -	
	334,640	0	0	For the Commissariat Department in *Great Britain* - -	For the Year 1822.
	111,600	0	0	For the Barrack Department in *Great Britain* -	
	700,000	0	0	For Extraordinary Expences of the Army (excepting the Forces employed in *Ireland*) - -	
	174,019	12	2	For disembodied Militia of *Great Britain* - -	From the 25th *December* 1821, to 24th *December* 1822, inclusive.
	116,703	3	10 net	For ditto in *Ireland* -	

	£.108,988	1	6	Brit. Cur. net.	For the Commissariat Department in *Ireland* -	For the Year 1822.
	122,784	11	3½	Brit. Cur. net.	For the Barrack Department in *Ireland* - -	For the Year 1822.
	20,000	0	0	Brit. Cur. net.	For Extraordinary Expences of the Army in *Ireland* in the Year 1822.	
IX.	35,843	17	8		For Salaries to Master General, principal Officers, Clerks and Attendants, belonging to the Office of Ordnance, employed at the *Tower* and *Pall Mall* - - -	
	12,885	0	5		For Salaries to the several Civil Establishments of the Office of Ordnance at Home Stations, *Jersey* and *Guernsey* - -	
	13,104	1	8		For ditto ditto at the Foreign Stations - -	
	23,495	0	0		For Increase of Salary for Length of Service to Officers on the several Civil Establishments of the Office of Ordnance, at Home and Abroad - -	
	17,200	0	0		For Civil Contingencies at the *Tower* and *Pall Mall*, and for Repairs of Storehouses, &c. and certain Barracks, under the Charge of the principal Clerk of the Works, viz. at the *Tower*, *Pall Mall*, *St. James's Park*, *Windsor Castle*, *North Hyde*, *St. John's Wood* and *Warley* - -	
	4,258	13	6		For Pay of 57 Master Gunners, at the Garrisons and Batteries in *Great Britain*, and of Three Fee Gunners at *Hythe*, *St. James's Park* and *Whitehall*, with the Allowance of Coals and Candles to them, and to 47 Non-commissioned Officers and Gunners, late of the Invalid Battalion of the Royal Regiment of Artillery, stationed in the said Garrisons and Batteries -	For the Year 1822.

£.40,793	5	3	For Pay of the Corps of Royal Engineers for *Great Britain* - - -
26,287	19	7	For Pay of Corps of Royal Sappers and Miners, and of the Establishment for the Instruction of Royal Sappers and Miners, and of Junior Officers of the Corps of Royal Engineers in the Construction of Field Works - -
244,868	9	2	For the Royal Regiment of Artillery for *Great Britain* - - - -
36,954	16	2	For the Brigade of Royal Horse Artillery, and also of the Riding Horse Troop for *Great Britain*
2,624	9	2	For the Director General of the Field Train, and for the Field Train Department - - -
6,860	12	0	For Pay of the Medical Establishment for the Military Department of the Ordnance - -
6,059	10	3	For Pay of the Civil Officers, Professors and Masters of the Royal Military Academy at *Woolwich*, including additional Pay to Officers of the Royal Regiment of Artillery, for attending the Company of Gentlemen Cadets - - -
1,699	2	6	For Expence of Sums to be paid at the Treasury and at the Exchequer for Fees on the Amount of the Ordnance Estimate for *Great Britain* -
6,103	9	11	For Land Services, Ordnance for *Great Britain*, and not provided for by Parliament in the Year 1820.
3,781	4	7	For the Office of Ordnance for Land Service for *Great Britain*, and not provided for by Parliament in the Year 1821.
308,385	13	6	For the Office of Ordnance for *Great Britain*, on Account of the Allowances to Superannuated, Retired and Half Pay Offi-

				cers, to Superannuated and Disabled Men and Pensioners, also for Pensions to Widows and Children of deceased Officers late belonging to the several Ordnance Military Corps - - - -	
£.	11,365	17	4	For the Office of Ordnance in *Ireland* on Account of the Pay of Retired Officers of the late *Irish* Artillery and Engineers, and of Pensions to Widows of deceased Officers of the same - -	For the Year 1822.
	248,744	11	2	For Extraordinaries of the Office of Ordnance, after deducting 44,000*l.* for presumed Sale of Old Stores, Lands and Buildings - - - -	
	96,629	13	0	For the Office of Ordnance for *Ireland* - - -	
	45,552	15	8	For Allowances, Compensations and Emoluments in the Nature of Superannuated or Retired Allowances to Persons late belonging to the Office of Ordnance in *Great Britain*, in respect of their having held any Public Offices or Employments of a Civil Nature, and also for Widows' Pensions - - - -	
	6,000	0	0	For ditto ditto in *Ireland* -	
X.	29,000,000	0	0	For discharging Exchequer Bills charged upon the Supplies for the Years 1818, 1819, 1820, 1821 and 1822, remaining unpaid or unprovided for.	
XI.	269,150	0	0	For ditto issued pursuant to 57 *G.* 3. *c.* 34. 58 *G.* 3. *c.* 45. and 1 *G.* 4. *c.* 60. for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries in the United Kingdom, and for building additional Churches over and above the Amount granted in the last Two Sessions of Parliament, under the Two first mentioned Acts.	
XII.	1,000,000	0	0	For discharging *Irish* Treasury Bills, charged upon the Supplies of the Year 1822, outstanding and unprovided for.	

XIII.	£.105,181	9	4¾	For discharging Treasury Bills, issued in *Ireland* in the Year ended 5th *January* 1822, to make good to the Bank of *Ireland* the Sum remaining unpaid to the said Bank on the 11th *July* 1821, for Commercial Credit there.		
XIV.				For Civil Establishments; (that is to say,)		
	22,176	12	10½	*Sierra Leone* - - -	From the 1st *January* to the 31st *December* 1822.	
	13,347	2	6	*New South Wales* - -		
	6,488	10	0	*Newfoundland* - -		
	3,520	15	0	*Prince Edward Island* -		
	6,757	10	0	*New Brunswick* - -		
	14,098	17	6	*Nova Scotia* - - -		
	11,992	10	0	*Upper Canada* - -		
	600	0	0	*Dominica* - - -		
	3,506	17	6	*Bahama* Islands, in Addition to the Salaries now paid to the Public Officers out of the Duty Fund, and the incidental Charges attending the same - -		
XV.	4,000,000	0	0	For discharging the Amount of Supplies granted for the Service of the Year 1821.		
	2,700,000	0	0	For discharging such of the Proprietors of Navy £5. *per Cent.* Annuities and of *Irish* £5. *per Cent.* Annuities payable at the Bank of *England*, as have signified their Dissent to receive £4. per Cent. Annuities in lieu thereof.		
	13,662	1	7	For the Royal Military College - - - -	From the 25th *December* 1821, to 24th *December* 1822, inclusive.	
	26,149	14	6	For the Royal Military Asylum - - -		
	1,200,000	0	0	For Interest on Exchequer Bills, *Irish* Treasury Bills and Mint Notes	For the Year 1822.	
	290,000	0	0	To the Commissioners for the Reduction of the National Debt in respect of Exchequer Bills - -		
	10,000	0	0	For the Works carrying on at the College, at *Edinburgh* - - -	For the Year 1822, and to be paid without Fee or Deduction.	
	18,000	0	0	For building a Penitentiary House at *Milbank* -		
	40,000	0	0	For Works and Repairs of Public Buildings -	For the Year 1822.	
	10,000	0	0	For Works executing at *Port Patrick* Harbour -	For the Year 1822, and to be paid without Fee, &c.	
	35,000	0	0	For Payments in the present Year, the Awards of Commissioners established in *London*, pursuant to		

			58 *G.* 3. *c.* 85. for carrying into effect a Convention between His late Majesty, and His most faithful Majesty to Claimants of *Portuguese* Vessels and Cargoes captured by *British* Cruisers, on account of the unlawful Trading in Slaves, since the 1st *June* 1814 -	To be paid without Fee, &c.
£.	10,500	0 0	For Extraordinary Expences of the Mint in the Gold Coinage - - -	For the Year 1822.
	5,000	0 0	For ditto ditto for Prosecutions relating to the Coin	
	25,000	0 0	For Law Charges - -	
	81,363	0 0	For confining, maintaining and employing Convicts at Home - - -	
	23,000	0 0	For the Establishment of the Penitentiary House at *Milbank* - - -	From 24th *June* 1822, to 24th *June* 1823, and to be paid without Fee, &c.
	3,000	0 0	For the National Vaccine Establishment - -	For the Year 1822, and to be paid without Fee, &c.
	33,567	0 0	For the Establishment of the Public Office *Bow Street*, including the Horse and Foot Patrole, and the Establishment of the River Police - -	For the Year 1822.
	100,000	0 0	For defraying Bills drawn or to be drawn from *New South Wales* - -	
	7,000	0 0	For Salaries to certain Officers, and the Expences of the Court, and Receipt of the Exchequer -	
	8,640	0 0	For Salaries to the Commissioners of the Insolvent Debtors' Court, of their Clerks, and contingent Expences of the Office -	
	953	7 6	For Salaries or Allowances granted to certain Professors in the Universities of *Oxford* and *Cambridge*, for reading Courses of Lectures - - -	
	19,055	0 0	For Expences of the Houses of Lords and Commons -	

£.22,800	0	0	For Salaries and Allowances to Officers of ditto ditto	For the Year 1822.
4,800	0	0	For Extraordinary Expences of the Department of the Lord Chamberlain, for Fittings and Furniture for the Two Houses of Parliament - - -	
2,442	10	0	For Colonial Services formerly paid out of Extraordinaries of the Army -	
17,000	0	0	For printing Acts of Parliament for the Two Houses of Parliament, for the Sheriffs, Clerks of the Peace and Chief Magistrates throughout the United Kingdom, and for the Acting Justices throughout *Great Britain*; also for printing Bills, Reports, Evidence, and other Papers and Accounts for the House of Lords - -	
3,500	0	0	For Printing the Votes of the House of Commons during the present Session of Parliament.	
204	15	9	For the Deficiency of the Grant of the Year 1821, for Printing the Votes of the House of Commons during the last Session of Parliament.	
7,500	0	0	For the Relief of *American* Loyalists - - - -	For the Year 1822, and to be paid without Fee, &c.
3,306	10	0	For confining and maintaining Criminal Lunatics -	
7,036	8	10	For paying in the Year 1822 the usual Allowances to Protestant Ministers in *England*, Poor *French* Protestant Refugee Clergy, Poor *French* Protestant Refugee Laity, and sundry small Charitable and other Allowances to the Poor of *Saint Martin in the Fields* and others.	
1,847	0	0	For the Repairs of *Henry* VIIth's Chapel - -	For the Year 1822, and to be paid without Fee, &c.
5,434	7	1	For Deficiency of Grant of the Year 1820 for Supplemental Charge for Printing done by Order of the House of Commons, pertaining to the Session of 1819.	
20,000	0	0	For Printing Bills, Reports and other Papers, by Order of the House of Commons during the present Session.	
1,235	10	2½	For Deficiency of Grant of 1821 for Printing Acts of Parliament for the two Houses of Parliament for the Sheriffs, Clerks of the Peace and Chief Magistrates throughout the United	

			Kingdom; and for the Acting Justices throughout *Great Britain*; also for Printing Bills, Reports, Evidence and other Papers and Accounts for the House of Lords.	
£.	10,479	14 7	For Deficiency of the Grant of 1821 for Printing Bills, Reports and other Papers, by Order of the House of Commons during the last Session.	
	3,500	0 0	For the Expence that may be incurred in the Year 1822 for Printing 1750 Copies of the 77th Volume of the Journals of the House of Commons for the present Session.	
	3,000	0 0	For the Expence that may be incurred for reprinting Journals and Reports of the House of Commons in the Year 1822.	
	40,000	0 0	For Foreign and Secret Services - - -	For the Year 1822.
	72,327	0 0	For making good Deficiencies in the Fee Funds in the Departments of the Treasury, Three Secretaries of State and Privy Council - - -	
	78,794	0 0	For Contingent Expences and Messengers' Bills in the Departments of the Treasury, Three Secretaries of State, Privy Council and Lord Chamberlain -	
	7,891	6 3	For defraying in the Year 1822 the Charge of Allowances or Compensations granted or allowed as Retired Allowances; or Superannuations to Persons formerly employed in Public Offices or Departments, or in the Public Service, according to Provisions of 50 *G.* 3. *c.* 117.	
	39,000	0 0	For discharging such of the Proprietors of £5. *per Cent.* Annuities and Government Debentures, payable at the Bank of *Ireland*, as have signified their Assent to receive £4. *per Cent.* Annuities in lieu thereof.	Brit. Currency.
	9,425	13 0	For the *British* Museum -	For the Year 1822, and to be paid without Fee, &c.
	38,000	0 0	For discharging such of the Proprietors of Navy £5. *per Cent.* Annuities and of *Irish* £5. *per Cent.* Annuities, payable at the Bank of *England*, who have signified their Dissent to receive £4. *per Cent.* Annuities in lieu thereof.	
	24,000	0 0	For ditto of £5. *per Cent.* Annuities and Government Debentures, payable at the Bank of *Ireland*, as having signified their Dissent as Trustees to receive £4. *per Cent.* Annuities in lieu thereof.	
	290,456	13 5¼	For making good the Deficiency of Grants for the Service of the Year 1821.	

£. 19,000	0	0	For Relief in the Year 1822 of *Toulouse* and *Corsican* Emigrants, *Dutch* Naval Officers, *Saint Domingo* Sufferers, and others who have heretofore received Allowances from His Majesty, and who have claims for Services performed or Losses sustained in the *British* Service - -	To be paid without Fee, &c.
2,183	12	1	For the Deficiency of the Grant of 1821 for Printing 1750 Copies of the 76th Volume of the Journals of the House of Commons.	
5,000	0	0	For the Institution called the Refuge for the Destitute	For the Year 1822, and to be paid without Fee.
25,000	0	0	For enabling the Commissioners for the *Caledonian* Canal to proceed in opening the Navigation between the Eastern and Western Seas in the Year 1822 -	To be paid without Fee.
15,000	0	0	For Works executing at *Donaghadee* Harbour -	For the Year 1822, and to be paid without Fee, &c.
5,000	0	0	For ditto *Port Patrick* Harbour - - -	
12,000	0	0	For ditto proposed to be done at *Holyhead* Harbour in the Year 1822.	
1,000	0	0	For discharging in the Year 1822 outstanding Demands relative to purchasing Houses, &c. for the further Improvement of *Westminster* - - - -	To be paid without Fee, &c.
27,000	0	0	For completing Payment of Expences of erecting Courts for the Commissioners of Bankrupts -	
200,000	0	0	For providing for such Expences of a Civil Nature as do not form a Part of the Ordinary Charges of the Civil List - - -	For the Year 1822.
18,700	0	0	For paying in the Year 1822 the Salaries and incidental Expences of the Commissioners appointed on the Part of His Majesty under the Treaty with *Spain*, *Portugal* and the *Netherlands*, for preventing the illegal Traffic in Slaves -	To be paid without Fee, &c.

£.310,000	0	0	For the Out Pensioners of *Greenwich* Hospital - -	For the Year 1822.
4,500	0	0	For Compensations to Three of the Commissioners for enquiring into the Collection and Management of the Revenue in *Ireland* -	For One Year, to be paid without Fee, &c.
30,000	0	0	Towards defraying the Expence of building New Courts of Justice in *Westminster Hall* - -	
971	18	0	For Allowance of One Year's Wages to certain of the Servants of Her late Majesty Queen *Caroline* -	
7,300	0	0	For Compensation to *Henry Burgess* for Expences incurred by him in prosecuting his Plan for the more speedy Conveyance of Letters, and of his Loss of Time, &c. - - -	
12,184	3	7	For defraying Amount of Sums awarded to *William Jauncey* and *Beverley Robinson*, two *American* Loyalists, whose claims were not included in the List submitted to Parliament in the last Session -	To be paid without Fee, &c.
8,247	8	6½	For completing £.12,500 on account of the Allowance which would have been due to Her late Majesty Queen *Caroline*, on the 10th *October* 1821, to be applied towards the Discharge of Debts due by and remaining unpaid out of the Effects of Her late Majesty to her *British* Creditors for Work or Service done, &c. - - -	
20,000	0	0	For defraying the Charge of His Majesty's Forts and Possessions on the Gold Coast in *Africa* - -	For the Year 1822.
4,000	0	0	To Sir *William Adams*, as a Reward for his Services	To be paid without Fee, &c.

British Currency net.

XVI. 100,000	0	0	For the Employment of the Poor in *Ireland*, and other Purposes relating thereto.	
200,000	0	0	For such Measures as the Exigency of Affairs in *Ireland* may require.	

	British Currency net.				
XVII.	£.20,000	0	0	For defraying civil Contingencies in *Ireland* -	For One Year ending 5th *January* 1823.
XVIII.	867	0	0	For making good Deficiency of Grant of 1821, for Printing, Stationery and other Disbursements of the Chief and Under Secretaries' Offices and Apartments and other public Offices in *Dublin* Castle, &c. and for Riding Charges and other Expences of the Deputy Pursuivants and Messengers attending the said Offices, and also Superannuated Allowances in the Chief Secretary's Office.	
	1,202	5	2	For making good Deficiency of Grant of 1821 for Printing 1500 Copies of a compressed Quarto Edition of the Statutes of the United Kingdom for the Use of the Magistrates of *Ireland*, and also 250 Copies of a Folio Edition of the same, bound for the Use of the Lords, Bishops and public Officers in *Ireland*.	
	3,000	0	0	For Printing 325 Copies of a Folio Edition of the public General Acts of the present Session for the Use of the Lords, Bishops and other public Officers in *Ireland*, and also 1500 Copies of a Quarto Edition for the Use of the Acting Magistrates in *Ireland*.	
	8,697	4	7½	For supporting the Nonconforming Ministers in *Ireland* - - -	For One Year ending 5th *January* 1823.
	4,034	15	5	For the Seceding Ministers from the Synod of *Ulster* in *Ireland* - - -	For One Year ending 25th *March* 1823.
	756	0	0	For the Protestant Dissenting Ministers in *Ireland* -	For One Year ending 5th *January* 1823.
	4,348	0	0	For improving and completing the Harbour of *Howth* in the Year 1822.	
	2,023	0	0	For making a Survey of the River *Shannon*.	
	8,000	0	0	For carrying on the Works of the Harbour of *Dunmore*	In the Year 1822.
	16,154	0	0	For the probable Expenditure of Board of Works in *Ireland* - - -	
	17,500	0	0	For Printing, Stationery and other Disbursements of the Chief and Under Secretaries' Offices and Apartments, and other Public Offices in *Dublin* Castle, &c. and for Riding Charges and other Expences of the Deputy Pursuivants and Messengers attending the said Officers, and also superannuated	

British Currency net.

			Allowances in the Chief Secretaries' Office -	For One Year ending 5th *January* 1823.
£.	7,000	0 0	For publishing Proclamations and other Matters of a Public Nature in the *Dublin* Gazette, and other Newspapers in *Ireland* -	
	23,000	0 0	For Criminal Prosecutions and other Law Expences in *Ireland* - - -	
	1,500	0 0	For apprehending Public Offenders in *Ireland* -	
	1,449	19 4	For the Salaries of the Lottery Officers in *Ireland* -	
	1,200	0 0	For retired Allowances to several late Governors of the House of Industry in *Dublin* - - -	For Two Years ending 5th *January* 1823.
	28,000	0 0	For the Police and Watch Establishments of the City of *Dublin* - -	For One Year ending 5th *January* 1823.
	3,092	6 2	For Allowances due to the several Persons who have been temporarily appointed to perform the Duties of the Prothonotary, Clerk of the Rules, Filacer, Clerk of the Pleadings and Chirographer of the Court of Common Pleas in *Ireland*, and of their several Clerks and Assistants as specified in 1 & 2 *G.* 4. *c.* 53.	
	3,500	0 0	For the Board of the Directors and Officers and for the Maintenance of Inland Navigations in *Ireland* -	For the Year 1822.
	30,000	0 0	For carrying on the Works at the Royal Harbour of *George* the Fourth at *King*'s *Town* (formerly *Dunleary*).	
	7,200	0 0	For Salaries of Commissioners appointed to enquire into the Duties, Salaries and Emoluments of the Officers, Clerks and Ministers of Justice in all Temporal and Ecclesiastical Courts in *Ireland* -	
XIX.	300	0 0	For the Royal *Irish* Academy	
	500	0 0	For the Commissioners of Charitable Donations and Bequests - -	
	9,230	0 0	For building Churches and Glebe Houses and of purchasing Glebes in *Ireland*	
	10,000	0 0	For Expence of Commissioners for making wide and	

British Currency net.

				convenient Streets in *Dublin* - - -	
	£.	19,938	9	2¾ To the Trustees of the Linen and Hempen Manufactures, to be by them applied in such manner as shall appear to them most conducive to promote and encourage the said Manufactures - - -	
		276	18	5½ For additional Allowance to the Chairman of the Board of Inland Navigation in *Ireland* - - -	
XX.		19,000	0	0 For the Expence of the House of Industry, Hospitals and Asylums for Industrious Children in *Dublin* - - -	
		5,000	0	0 For ditto of the *Richmond* Lunatic Asylum in *Dublin* - - -	
		2,347	0	0 For ditto of the Female Orphan House in the Circular Road near *Dublin* -	For One Year ending 5th *January* 1823.
		2,692	0	0 For ditto of the *Westmorland* Lock Hospital in *Dublin* - - -	
		2,800	0	0 For ditto of the Lying-in Hospital, *Dublin* -	
		1,400	0	0 For ditto Doctor *Stevens*'s Hospital - - -	
		3,692	0	0 For ditto Fever Hospital and House of Recovery in *Cork* Street, *Dublin* - -	
		300	0	0 For ditto Hospital for Incurables in *Dublin* -	
		17,000	0	0 For ditto Protestant Charter Schools of *Ireland* -	
		30,000	0	0 For ditto Foundling Hospital in *Dublin* - - -	
		6,464	0	0 For ditto Association incorporated for discountenancing Vice and promoting the Knowledge and Practice of the Christian Religion in *Ireland* - -	
		10,000	0	0 For ditto Society for promoting the Education of the Poor in *Ireland* - -	
		4,000	0	0 For enabling the Lord Lieutenant of *Ireland* to issue Money from time to time	

British Currency net.

			in Aid of Schools established by Voluntary Contributions - -
£.	7,600	0 0	For the *Hibernian* Society for Soldiers' Children -
	1,600	0 0	For the *Hibernian* Marine Society - - -
	8,928	0 0	For the Establishment of the Roman Catholic Seminary in *Ireland* - - -
	2,000	0 0	For the Royal *Cork* Institution - - - -
	7,000	0 0	For the Royal *Dublin* Society - - -
	2,500	0 0	For the Farming Society of *Ireland* - - -

XXI. Supplies to be applied only for the Purposes aforesaid, &c.

XXII. Rules for Application of Half Pay.
Proviso for receiving Half Pay under the General or Local Militia Acts, Yeomanry or Volunteers.

XXIII. Persons concerned in issuing, paying and receiving Money for the Payment of Half Pay not having taken the Oaths indemnified.

XXIV. Half Pay to Officers of *Manx* Fencibles.

XXV. Ditto to Chaplains of Regiments in Possession of Ecclesiastical Benefices not derived from the Crown.

XXVI. Application of Overplus of Sums under 1 & 2 *G.* 4. *c.* 122.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLICK,

AND TO BE JUDICIALLY NOTICED.

N. B.—*The Continuance of such of the following Acts as are Temporary will be known (where it is not expressly stated) by referring to the following List, according to the corresponding Letter at the End of the Title.*

(*a*) *For 21 Years, &c.* [i. e. *to the End of the next Session*] *from a Day named in the Act.*
(*b*) *For 21 Years, &c. from the passing of the Act.*
(*c*) *For 21 Years, &c. after the End of the Term under former Acts.*

The following are all PUBLIC ACTS; *to each of which is annexed a Clause in the Form following:*

" And be it further enacted, That this Act shall be deemed " and taken to be a Public Act, and shall be judiciâlly taken " Notice of as such by all Judges, Justices and others without " being specially pleaded."

Cap. i.

18 G. 3. c. 68. 39 & 40 G. 3. c. xli.

AN Act for continuing the Term and altering and enlarging the Power of Two Acts passed for building a Bridge across the River *Tawey*, at a Place called *The Wich Tree*, in the Parish of *Llansamlett*, to the opposite Shore in the Parish of *Llangevelach* in the County of *Glamorgan*; and for making proper Avenues or Roads to and from the said Bridge; and for repairing the Road from *Pentre Brook*, near a Place called *Aberdwyberthy*, in the Parish of *Saint John's*, near *Swansea*, to the said Bridge. (*b*) [21st *March* 1822.]

[*Additional Trustees. Royal Family exempt from Toll.*]

Cap. ii.

39 & 40 G. 3. c. xv. repealed.

An Act for repairing and maintaining certain Roads leading to and from *Chepstow*, and other Places in the Counties of *Monmouth* and *Gloucester*, called *The District of Chepstow* and *The New Passage District*. (*b*) [21st *March* 1822.]

[*Trustees appointed. Power to appoint additional Trustees. Royal Family exempt from Toll.*]

Cap. iii.

An Act for more effectually repairing, widening, amending and improving the Roads from *Wigan* to *Preston*, in the County Palatine of *Lancaster*. (*a*) [3d *April* 1822.] — 19 G. 3. c. 92. 35 G. 3. c. 145. 44 G. 3. c. 11. repealed.

[*Royal Family exempt from Toll.*]

Cap. iv.

An Act to enable His Majesty's Justices of the Peace, acting for the County of *Norfolk*, to build an additional Gaol, House of Correction and Shire House for the said County, and for other Purposes relating thereto. [3d *April* 1822.]

Cap. v.

An Act for enlarging the Powers of Two Acts of His late Majesty King *George* the Third, for rebuilding the Bridge over the River *Rea*, at the Town of *Birmingham*, called *Deritend Bridge*; and for widening the Avenues thereto, and making certain other Improvements. [3d *April* 1822.] — 28 G. 3. c. 70. 54 G. 3. c. xiii.

Cap. vi.

An Act for lighting with Gas the Town of *Bradford*, and the Neighbourhood thereof, within the Parish of *Bradford*, in the West Riding of the County of *York*. [3d *April* 1822.]

Cap. vii.

An Act for lighting with Gas the Town and Neighbourhood of *Wakefield* in the West Riding of the County of *York*. [3d *April* 1822.]

Cap. viii.

An Act for more effectually repairing and improving the Road from the Old Bridge in the Town of *Stockport* in the County Palatine of *Chester*, to or near *Marple Bridge* in the said County; and a Branch from the said Road, near *Marple Bridge* aforesaid, to or near *Thornset Gate* in the County of *Derby*. (*b*) [3d *April* 1822.] — 14 G. 3. c. xcviii. repealed.

[*Royal Family exempt from Toll.*]

Cap. ix.

An Act for repairing and amending the Roads from *Donington High Bridge* to *Hale Drove*, and to the Eighth Mile Stone in the Parish of *Wigtoft*, and to *Langret Ferry* in the County of *Lincoln*. (*a*) [3d *April* 1822.] — 31 G. 2. c. 50. 18 G. 3. c. 104. 41 G. 3. c. 44. repealed.

[*Royal Family exempt from Toll.*]

Cap. x.

An Act for continuing the Term, and altering, amending and enlarging the Powers of several Acts passed for repairing the Roads from *Chappel Bar*, near the West End of the Town of *Nottingham*, to *Newhaven*; and from the *Four Lane Ends*, near *Oakerthorpe*, — 23 G. 2. c. 38. 20 G. 3. c. 74. 39 & 40 G. 3. c. xlv. further continued.

thorpe, to *Ashbourne*; and from the Cross Post on *Wirksworth Moor* to join the Road leading from *Chesterfield* to *Chapel-en-le-Frith*, at or near *Longston* in the County of *Derby*; and from *Selston* to *Annesley Wodehouse* in the County of *Nottingham*. (*b*) [3d *April* 1822.]

[*Additional Trustees. New Tolls on the Second District. Tolls on the Third District repealed. New Tolls on Third District. Royal Family exempt from Toll.*]

Cap. xi.

33 G. 2. c. 51. 18 G. 3. c. 86. 42 G. 3. c. lxi. further continued.

An Act for continuing the Term, and altering, amending and enlarging the Powers of the several Acts passed for repairing the Road from the Bars at *Boughton*, within the Liberties of the City of *Chester*, to *Whitchurch*, and from thence to *Newport* in the County of *Salop*, and other Roads in the said Acts mentioned, so far as relate to the First District of Roads in the said Acts mentioned; and for diverting a certain Part of the Road comprised within the said District. (*b*) [3d *April* 1822.]

[*New Tolls granted. Royal Family exempt from Toll.*]

Cap. xii.

32 G. 2. c. 69. 20 G. 3. c. 88. 41 G. 3. c. xxxvi. repealed.

An Act for more effectually repairing the Roads from *Nether Bridge* to *Leven's Bridge*, and from thence through the Town of *Millthrop* to *Dixes*; and from the Town of *Millthrop* to *Hangbridge*, and from thence to join the *Heronsyke* Turnpike Road, near *Clawthrop Hall* in the County of *Westmorland*. (*a*) [3d *April* 1822.]

[*Additional Trustees. New Tolls. Royal Family exempt from Toll.*]

Cap. xiii.

See c. civ. post.

An Act for making and maintaining a Road from *Brighton* to *Shoreham Bridge* in the County of *Sussex*. (*b*) [15th *May* 1822.]

[*Appointment of Trustees. Royal Family exempt from Toll.*]

Cap. xiv.

An Act for lighting and watching, and for regulating the Police within the Township of *Chorlton Row*, in the County of *Lancaster*. [15th *May* 1822.]

Cap. xv.

An Act for lighting the Town and Port of *Dovor*, and Places adjacent, in the County of *Kent*, with Gas. [15th *May* 1822.]

Cap. xvi.

29 G. 2. c. 94. 18 G. 3. c. 111. 39 & 40 G. 3. c. lxviii. continued.

An Act for continuing the Term and altering the Powers of Three Acts, for repairing the Roads leading from the *Ryeway* in the Parish of *Yarpole* in the County of *Hereford*, to *Presteigne* in the County of *Radnor*, and several other Roads therein mentioned

tioned in the said County of *Radnor*, and in the Counties of *Hereford* and *Salop*. (*c*) [15th *May* 1822.]

[*Former Tolls to cease, and new ones granted. Royal Family exempt from Toll.*]

Cap. xvii.

An Act for altering and enlarging the Terms and Powers of certain Acts, so far as the same relate to the Roads from *Inchbelly Bridge* to *Glasgow*, and leading over *Garngad Hill* to *Provan Mill*, and other Roads branching therefrom or connected therewith. (*b*) [15th *May* 1822.] 35 G.3. c.155. 27 G.2. c.27. 6 G.3. c.82. 41 G.3. c.xxv. extended to Act.

[*Royal Family exempt from Toll.*]

Cap. xviii.

An Act for further continuing, until the First Day of *August* One thousand eight hundred and twenty five, and from thence to the End of the then next Session of Parliament, the Powers granted by an Act of the Forty sixth Year of His late Majesty, for enabling the Commissioners acting in Execution of an Agreement made between the *East India* Company and the private Creditors of the Nabobs of the *Carnatic*, the better to carry the same into effect. [15th *May* 1822.] 46 G.3. c.cxxxiii. continued. 50 G.3. c.cciii. 52 G.3. c.clxxxviii. 57 G.3. c.viii. 59 G.3. c.xxvi.

Cap. xix.

An Act for erecting and endowing a Church in the Town of *Liverpool* in the County Palatine of *Lancaster*, to be called *Saint Luke's Church*; and for reviving and amending an Act of the Twenty first Year of King *George* the Second, so far as relates to *Saint Thomas's Church*. [15th *May* 1822.]

[*Proviso for the Rights of the Bishop of Chester, and of the Rectors of the Parish of Liverpool. Proviso for the Rights of His Majesty.*]

Cap. xx.

An Act for altering and enlarging the Powers of an Act made in the Forty sixth Year of King *George* the Third, for repairing the Parish Church of *Great Yarmouth*, in the County of *Norfolk*, and rebuilding the Tower thereof. [15th *May* 1822.] 46 G.3. c.lxi.

[*Additional Trustees.*]

Cap. xxi.

An Act to alter, amend and explain the several Acts passed for improving and rendering more commodious the Port and Harbour of *Bristol*. [15th *May* 1822.] 43 G.3. c.cxl. 46 G.3. c.xxxv. 48 G.3. c.xi. 49 G.3. c. xvii.

Cap. xxii.

An Act for further continuing the Duties and altering the Powers granted by Six several Acts of their late Majesties King *George* the 5 G.2. c.11. 25 G.2. c.44. 3 G.3. c.42.

18 G.3. c.20.
41 G.3. c.lxix.
46 G.3. c.xxxiv.

the Second and King *George* the Third, for enlarging the Piers and Harbour of *Scarborough* in the County of *York*. (*b*) [15th *May* 1822.]

[*Former Tolls to cease, and new ones granted.*]

Cap. xxiii.

58 G.3. c.l.

An Act to amend an Act for draining and improving Lands in the Parishes of *Bray*, *White Waltham*, *Shottesbrook*, *Lawrence Waltham*, *Binfield Ruscomb*, *Wargrave*, *Remenham* and *Hurley*, in the County of *Berks*, and the Liberties of *Whistley* and *Broad Hinton*, in the Parish of *Hurst*, in the Counties of *Berks* and *Wilts*. [15th *May* 1822.]

Cap. xxiv.

7 & 8 W.3. c.32. Pr.
9 & 10 W.3. c.18. Pr.
12 Anne, c.15. Pr.
4 G.1. c.3. Pr.
18 G.2. c.38.
43 G.3. c.cxl.
31 G.2. c.56. repealed.

An Act for the Employment, Maintenance and Regulation of the Poor of the City of *Bristol*; and for altering the Mode of assessing the Rates for the Relief of the Poor, and certain Rates authorized to be raised and levied within the said City by certain Acts for improving the Harbour there, and for paving, pitching, cleansing and lighting the same City; and for the Relief of the Churchwardens and Overseers from the collecting of such Rates; and for amending the Act for paving, pitching, cleansing and lighting the said City. [15th *May* 1822.]

14 G.3 c.49. 46 G.3. c.xxvi. 46 G.3. c.xxxv.

Cap. xxv.

An Act for lighting, paving, cleansing, watching and improving the Town of *Barnsley* in the West Riding of the County of *York*. [15th *May* 1822.]

Cap. xxvi.

30 G.3. c.67.

An Act to amend the Powers and Provisions of an Act of His late Majesty, for paving, cleansing, lighting, watching and regulating the Streets and other Public Places within the City of *Durham* and Borough of *Framwelgate* and Suburbs thereof, and Streets thereto adjoining, and other Purposes relating thereto. [15th *May* 1822.]

[*Royal Family exempt from Toll.*]

Cap. xxvii.

An Act for lighting, paving, cleansing, watching and otherwise improving the Town of *Alnwick*, in the County of *Northumberland*. [15th *May* 1822.]

Cap. xxviii.

An Act for regulating, maintaining and improving the Premises in the City of *Edinburgh*, termed *Queen Street Gardens*, and for effecting certain other Improvements in the Vicinity thereof, and connected therewith. [15th *May* 1822.]

Cap. xxix.

An Act for incorporating the *Warwick* Gas Light Company. [15th *May* 1822.]

Cap. xxx.

An Act for lighting with Gas the Town and Township of *Halifax*, and the Neighbourhood thereof, within the Parish of *Halifax*, in the West Riding of the County of *York*. [15th *May* 1822.]

Cap. xxxi.

An Act for lighting with Gas the Town and Borough of *Wigan* in the County Palatine of *Lancaster*. [15th *May* 1822.]

Cap. xxxii.

An Act for lighting the Town of *Leith* and its Vicinity with Gas, and other Purposes relating thereto. [15th *May* 1822.]

Cap. xxxiii.

An Act for lighting with Gas the Town and Borough of *Stockton*, in the County of *Durham*. [15th *May* 1822.] 1 G. 4. c. lxii.

Cap. xxxiv.

An Act for better supplying the City of *Canterbury* and the several Streets and Roads adjoining thereto with Gas. [15th *May* 1822.] 27 G. 3. c. 14

Cap. xxxv.

An Act for incorporating the *Warrington* Gas Light Company. [15th *May* 1822.] 53 G. 3. c. cxviii.

Cap. xxxvi.

An Act for repairing and maintaining the Roads leading from the End of *Culham Bridge* next to *Culham*, in the County of *Oxford*, to the End of *Burford Bridge* next to *Abingdon* in the County of *Berks*; and from the *Mayor's Stone* at the End of *Boar Street* in the Town of *Abingdon*, to the West End of the Town of *Fyfield* in the same County. (*b*) [15th *May* 1822.] 9 G. 2. c. 14. 28 G. 2. c. 43. 21 G. 3. c. 77. 41 G. 3. c. lxxix. repealed.

[*New Trustees. Royal Family exempt from Toll.*]

Cap. xxxvii.

An Act for amending, widening, altering and keeping in Repair the Road from the upper Part of *Leeming Lane*, in the Town of *Mansfield*, opposite to the End of *Bath Lane*, to the Turnpike Road leading from *Worksop* to *Kelham*, at or near the Corner of *Worksop Brecks*, all in the County of *Nottingham*. (*b*) [15th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. xxxviii.

An Act for amending, widening, altering and keeping in Repair the Road from the Eastern End of *Potter Street*, in the Town of *Worksop*, to the Bridge over the *Chesterfield* Canal, leading into the Town of *West Retford* in the County of *Nottingham*. (*b*) [15th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. xxxix.

42 G.3. c.v. continued. 27 G.3. c.14.

An Act for continuing the Term, and altering and enlarging the Powers of an Act of the Forty second Year of the Reign of His late Majesty King *George* the Third, for repairing and improving the Road leading from the City of *Canterbury* to the Town of *Ramsgate* in the County of *Kent*; and for suspending and varying for a further limited Time so much of an Act passed in the Twenty seventh Year of the Reign of His said late Majesty, as relates to the Toll Gate and to the Tolls payable by virtue of the said Act, on the Road leading from the said City of *Canterbury* to the *Isle of Thanet* in the said County of *Kent*; and for altering the Line of certain Parts of the said Road. (*b*) [15th *May* 1822.]

[*New Trustees.*]

Cap. xl.

42 G.3. c.vi. continued.

An Act for continuing the Term and altering and enlarging the Powers of an Act of the Forty second Year of the Reign of His late Majesty King *George* the Third, for repairing and improving the Road from the City of *Canterbury* to the Town and Port of *Sandwich* in the County of *Kent*. (*b*) [15th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. xli.

30 G.2. c.69. 19 G.3. c.109. 39 & 40 G.3. c.lxvi. continued.

An Act for continuing the Term, and altering, amending and enlarging the Powers of several Acts, for repairing the Roads therein mentioned, in the Counties of *Denbigh* and *Flint*, so far as relate to the Road from *Ruthin* in the County of *Denbigh* to *Mold* in the County of *Flint*. (*b*) [15th *May* 1822.]

[*New Trustees. Former Tolls to cease, and new ones granted. Royal Family exempt from Toll.*]

Cap. xlii.

31 G.2. c.67. 12 G.3. c.77. 41 G.3. c.lxxxviii. repealed.

An Act for more effectually repairing several Roads leading from the Town of *Shrewsbury*, and from *Shelton*, in the County of *Salop*, to *Minsterley*, *Westbury* and *Baschurch*, in the said County of *Salop*, and to or near to *Buttington Hall*, in the County of *Montgomery*; and for repealing Three Acts, severally passed in the Thirty first Year of King *George* the Second, and the Twelfth and Forty first Years of His late Majesty, relative thereto. (*b*) [15th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. xliii.

An Act for continuing the Term and enlarging the Powers of several Acts passed for repairing the Roads therein mentioned, in the Counties of *Denbigh*, *Flint* and *Carnarvon*, so far as relate to the Road from *Wrexham* to *Denbigh*, in the County of *Denbigh*, and for amending the Road from *Ruthin* to *Cerniogemawr*, in the Parish of *Llanufydd*, in the County of *Denbigh*. (*b*) [15th *May* 1822.]

32 G.2. c.55.
20 G.3. c.97.
41 G.3. c.cxliii.
continued.

[*New Trustees. Former Tolls to cease, and new ones granted. Royal Family exempt from Toll.*]

Cap. xliv.

An Act for the more effectually repairing the Road from *Harlow Bush Common*, in the Parish of *Harlow*, to *Woodford* in the County of *Essex*, and the Road from *Epping*, through the Parishes of *Northweald*, *Basset*, *Bobbingworth*, *High Ongar*, *Chipping Ongar* and *Shelley*, to the *Four Want Way* in the Parish of *Shelley*, and from thence through the Parishes of *High Ongar* and *Norton Mandeville*, to the Parish of *Writtle* in the said County. (*a*) [15th *May* 1822.]

10 G.1. c.9.
16 G.2. c.19.
9 G.3. c.63.
27 G.3. c.69.
51 G.3. c.xcix.
repealed.

[*New Trustees.*]

Cap. xlv.

An Act for more effectually repairing and maintaining the District of Roads in the County of *Edinburgh*, termed *The Leith Walk District*, and for other other Purposes relating thereto; and for altering and increasing the Conversions and defining the Bounds of the *Middle District* of Roads in the said County. [15th *May* 1822.]

49 G.3. c.xxxvii.
54 G.3. c.clxx.
56 G.3. c.xlii.
43 G.3. c.xxxiv.
1 & 2 G.4. c.c.

[*New Trustees of the Middle District.*]

Cap. xlvi.

An Act for continuing the Term, and altering, amending and enlarging the Powers of an Act of His late Majesty's Reign, for repairing the Road from the Borough of *Leicester* in the County of *Leicester*, to the Town of *Uppingham* in the County of *Rutland*, and to *Wansford* and *Peterborough*, both in the County of *Northampton*. (*a*) [15th *May* 1822.]

41 G.3. c.cxviii.
continued.

[*New Trustees. Former Tolls to cease, and new ones granted. Royal Family exempt from Toll.*]

Cap. xlvii.

An Act to enlarge the Term and Powers of several Acts passed for repairing and widening the Road from *The Hand and Post* in *Upton Field* in the Parish of *Burford* in the County of *Oxford*, to a Place in the Parish of *Preston*, in the County of *Gloucester*, called *Dancy's Fancy*. (*b*) [15th *May* 1822.]

26 G.2. c.70.
20 G.3. c.76.
41 G.3. c.xvi.
continued.

[*New Trustees. Royal Family exempt from Toll.*]

Cap. xlviii.

26 G.2. c.84. 19 G.3. c.113. 41 G,3. c.lxxxi. repealed.

An Act for more effectually repairing and widening the Roads from *Spann Smithy*, through *Middlewich*, and by *Spittle Hill* in *Stanthorn*, to *Winsford Bridge*, and from *Spittle Hill* to *Northwich*, in the County Palatine of *Chester*. (*a*) [15th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. xlix.

8 G.3. c.51. 25 G.3. c.118. 41 G.3. c.cxxii. repealed.

An Act for more effectually repairing and improving the Roads leading from *Bishops Castle*, and from *Montgomery*, to the Road at *Westbury*, and from *Brockton* to the Road at *Minsterley*, and other Roads therein mentioned, in the Counties of *Salop*, *Radnor* and *Montgomery*; and for amending, widening and improving several other Roads therein mentioned, in the said County of *Salop*. (*a*) [15th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. l.

25 G.2. c.22. 29 G.2. c.93. 28 G.3.c. 112. 53 G.3. c.cxxxii. repealed as to the Mold District.

An Act for more effectually repairing the Road from the North End of a Lane called *Rosemary Lane* in the Township of *Broughton*, to the Town of *Mold* in the County of *Flint*, and for diverting a Part of the said Road, and for making a new Branch of Road to communicate with the said Road. (*b*) [15th *May* 1822.]

[*Additional Trustees. Former Tolls to cease, and new ones granted. Royal Family exempt from Toll.*]

Cap. li.

45G.3. c.xxxiv. continued.

An Act to alter and enlarge the Term and Powers of an Act of His late Majesty, for the making, repairing, lighting, watching and watering certain Roads, leading from the Borough of *Plymouth* to *Stonehouse Bridge* and *Plymouth Dock* in the County of *Devon*; and for regulating the Stands and Fares of Hackney Coaches and Carts using the same. (*c*) [15th *May* 1822.]

[*New Trustees. Former Tolls to cease, and new ones granted. Royal Family exempt from Toll.*]

Cap. lii.

41 G.3. c.lix. repealed.

An Act for more effectually making, repairing and improving the Road leading from *Reading* in the County of *Berks*, to *Basingstoke* in the County of *Southampton*. (*b*) [24th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. liii.

33 G.3.c. 97. 37 G.3. c.54. 45 G. 3. c.civ. 58 G.3. c.17.

An Act for enabling the *Gloucester* and *Berkeley* Canal Company to raise a further Sum of Money to discharge their Debts, and to complete said Canal; and for amending the several Acts passed for making the said Canal. [24th *May* 1822.]

Cap. liv.

An Act for erecting a Bridewell for the County of *Lanark* and City of *Glasgow*. [24th *May* 1822.] 1 G. 4. c. lxxvi. repealed.

[*Commissioners appointed.*]

Cap. lv.

An Act for building a new Goal and a new House of Correction in and for the Town and County of *Newcastle-upon-Tyne:* and for other Purposes relating thereto. [24th *May* 1822.]

Cap. lvi.

An Act for facilitating the Collection of certain Tolls payable to the Mayor and Burgess of *Newcastle-upon-Tyne*. [24th *May* 1822.]

Cap. lvii.

An Act to establish a Market for the Sale of Butcher's Meat and other Articles, and to repair and amend certain Roads in the Town or Tithing of *Bognor* in the County of *Sussex*. [24th *May* 1822.]

Cap. lviii.

An Act for providing an additional Market Place in and for the Town of *Rochdale* in the County Palatine of *Lancaster*. [24th *May* 1822.]

Cap. lix.

An Act for altering and enlarging the Powers of an Act of His late Majesty King *George* the Third, for paving the Footways, and for cleansing, lighting and watching the Town of *Chelmsford* and Hamlet of *Moulsham*, in the Parish of *Chelmsford* in the County of *Essex*. [24th *May* 1822.] 29 G. 3. c. 44.

Cap. lx.

An Act for amending and enlarging the Powers and Provisions of an Act of His late Majesty King *George* the Third, intituled *An Act for paving and otherwise improving the Town of* Tiverton *in the County of* Devon; and for lighting the said Town. [24th *May* 1822.] 34 G. 3. c. 52.

Cap. lxi.

An Act for amending and improving the Roads leading from *Tiltup's Inn* in the Parish of *Horsley*, to or near *Dudbridge* in the Parish of *Rodborough*, and from the Bridge at *Nailsworth* to *The Cross Post* on *Minchinhampton Common*, and other Roads thereto adjoining; and for making a new Piece of Road from the said Bridge to *The Cross* in the Parish of *Avening*, all in the County of *Gloucester*. (*b*) [24th *May* 1822.] 20 G. 3. c. 84. 41 G. 3. c. xciv. repealed.

[*New Trustees. Royal Family exempt from Toll.*]

Cap. lxii.

41 G.3. c.98. repealed.

An Act for amending and keeping in repair the Road from the Turnpike Gate at the Bottom of *White Street Hill*, in the Parish of *Donhead Saint Andrew*, in the County of *Wilts*, through the Towns of *Shaftesbury*, *Milborne Port*, and *Sherborne*, in the Counties of *Dorset* and *Somerset*, to the *Halfway House* in the Parish of *Nether*, otherwise *Lower Compton*, in the said County of *Dorset*, and several other Roads communicating therewith. (*a*) [24th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. lxiii.

31 G.2. c.65.
20 G.3. c. 70.
41 G.2. c.lxxxv. continued.

An Act to enlarge the Term and Powers of several Acts, for repairing and widening the Road from the Market House in *Tetbury*, to the Turnpike Road on *Minchinhampton Common*, and several other Roads therein mentioned, all in the County of *Gloucester*, so far as the same Acts relate to the Second District of Roads therein mentioned. (*c*) [24th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*

Cap. lxiv.

33 G.2. c.51.
18 G.3. c.86.
41 G.3. c. xc. repealed as relates to the Road from Whitchurch to Ternhill.

An Act for amending and maintaining the Road from *Whitchurch* to *Ternhill*, in the County of *Salop*. (*b*) [24th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. lxv.

32 G.2. c.40.
19 G.3. c.100.
41 G.3. c.xii.

An Act to repeal several Acts passed for repairing several Roads leading to the Town of *Bridgewater* in the County of *Somerset*, and several other Roads therein mentioned, so far as the said Acts relate to the Roads leading to the said Town, and to consolidate and comprise the same in One Act of Parliament. (*a*) [24th *May* 1822.]

[*New Trustees. Additional Toll on Timber Carriages. Royal Family exempt from Toll.*]

Cap. lxvi.

29 G.2. c.85.
16 G.3. c.72.
39 & 40 G.3. c.lxx. repealed.

An Act for more effectually improving the Roads leading from the East Side of *Lincoln Heath* to the City of *Peterborough*, and several other Roads therein mentioned, in the Counties of *Northampton* and *Lincoln*; and for making a new Branch of Road to communicate with the said Roads, from *Bourn* to *Spalding*, in the said County of *Lincoln*. (*a*) [24th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. lxvii.

31 G.2. c.78.
20 G.3. c. 96.
41 G.3. c.xliii. continued.

An Act for enlarging the Term and Powers of several Acts passed for repairing the Road from the Town of *Guldeford* to the Directing Post near the Town of *Farnham* in the County of *Surrey*. (*a*) [24th *May* 1822.]

[*New Trustees. Former Tolls to cease, and new ones granted. Royal Family exempt from Toll.*]

Cap. lxviii.

An Act for more effectually repairing the South District of the Road from *Royston* in the County of *Hertford*, to *Wandesford Bridge* in the County of *Huntingdon*. (*b*) [24th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

9 Ann. c.7. Pr. 12 Ann. c.16. Pr. 13 G.1. c.32. 14 G.2. c.13. 5 G.3. c.77. 30 G.3. c.89. 41 G.3.c.lxxx.

Cap. lxix.

An Act for repairing and amending several Roads leading to and from the Borough of *Evesham* in the County of *Worcester*, and several other Roads in the Counties of *Worcester* and *Gloucester*. (*a*) [24th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

1 G.2. st.2. c.11. 17 G.2. c.13. 30 G.2. c.64. 29 G.3. c.103. repealed.

Cap. lxx.

An Act for repairing, widening and maintaining the Road leading from *Dartford* to and through *North-fleet* and *Gravesend*, and thence to the *Stones End*, near the Parish Church of *Strood*, in the County of *Kent*. (*b*) [24th *May* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

1 G.3. c.40. 22 G.3. c.98. 41 G.3. c.lx. repealed.

Cap. lxxi.

An Act for erecting a new Church in the Parish of *Greenwich* in the County of *Kent*, and vesting the same and the Scite thereof in Trustees, and for making Provisions respecting the same. [24th *June* 1822.]

58 G.3. c.45.

Cap. lxxii.

An Act for building a new Gaol and House of Correction for the City and County of the City of *Coventry*. [24th *June* 1822.]

Cap. lxxiii.

An Act for converting the Gaol and House of Correction of the County of *Pembroke* into a Gaol for the said County, and for the Town and County of the Town of *Haverfordwest*; and for applying the Gaol of the said Town and County of the Town of *Haverfordwest* to the Purposes of a Lunatic Asylum. [24th *June* 1822.]

Cap. lxxiv.

An Act to enable the Justices of the Peace for the Divisions of *Lindsey*, *Kesteven* and *Holland*, in the County of *Lincoln*, to take down the present County Hall for the said County, and to erect a convenient Hall instead thereof, with suitable Offices and other Accommodations. [24th *June* 1822.]

Cap. lxxv.

An Act to amend Two Acts, of the Forty ninth and Fiftieth Years of His late Majesty, for making the *Severn* and *Wye* Railway and Canal. [24th *June* 1822.]

49 G.3. c.clix. 50 G.3. c.cxv.

Cap. lxxvi.

59 G.3. c.cxiii. in part repealed.

An Act to alter, amend and enlarge the Term and Powers of an Act passed in the Fifty ninth Year of His late Majesty, for erecting and maintaining Ferries across the River *Tay* in the Counties of *Fife* and *Forfar*. (*c*) [24th *June* 1822.]

Cap. lxxvii.

26 G.3. c.12. in part repealed.

An Act to repeal so much of an Act of the Twenty sixth Year of His late Majesty as relates to the supplying the Town of *Liverpool*, in the County Palatine of *Lancaster*, with Water, and to grant other Powers for supplying the said Town and Port, and the Shipping resorting thereto, with Water. [24th *June* 1822.]

Cap. lxxviii.

11 G.3. c.36.
12 G.3. c.15.
57 G.3. c.xxxiii.
25 G. 3. c.28.
52 G.3. c.clxxii.

An Act for watching, cleansing and lighting the Streets of the City of *Edinburgh*, and adjoining Districts; for regulating the Police thereof; and for other Purposes relating thereto. (*a*) [24th *June* 1822.]

Cap. lxxix.

An Act for the Establishment of Markets for the Sale of Corn and other Articles in the City of *Cork*. [24th *June* 1822.]

Cap. lxxx.

57 G.3. c.xli.

An Act to enlarge and amend an Act of His late Majesty, for lighting the City and Suburbs of *Glasgow* with Gas. [24th *June* 1822.]

Cap. lxxxi.

29 G.3. c.71.

An Act to alter and enlarge the Powers of an Act of His late Majesty King *George* the Third, for paving, lighting, cleansing, watering and watching that Part of the Parish of *Saint Pancras* in the County of *Middlesex* called *Sommers Town*. [24th *June* 1822.]

[*Old Rates repealed and new ones granted.*]

Cap. lxxxii.

An Act for watching, lighting, watering, cleansing, gravelling and otherwise improving the Foot, Carriage and other public Ways on certain Lands and Grounds in the Parish of *Saint Pancras* in the County of *Middlesex*, called *Camden Town*. [24th *June* 1822.]

Cap. lxxxiii.

26 G.3. c.13.
43 G.3. c.lv.

An Act to amend an Act of the Forty third Year of His late Majesty, for paving, cleansing and lighting the Town of *Alloa*, and for other Purposes therein mentioned. [24th *June* 1822.]

Cap. lxxxiv.

An Act for altering, amending and enlarging the Powers of Three several Acts made in the Thirty fifth, Forty sixth and Fifty third Years of the Reign of His late Majesty King *George* the Third, for regulating the Nightly Watch and Beadles, and for paving, repairing, cleansing and lighting the Parish of *Saint Mary-le-bone* in the County of *Middlesex*; and for the better Relief and Maintenance of the Poor thereof, and for divers other Purposes therein mentioned, and for making more effectual Provision for those Purposes. [24th *June* 1822.]

35 G.3. c.73.
46 G.3. c.xc.
53 G.3. c.clxiii.

Cap. lxxxv.

An Act for amending the several Acts in force for making wide and convenient Streets, Ways and Passages in the City of *Cork* and the Suburbs thereof; and for paving, cleansing, lighting and otherwise improving the said City; and for regulating the Court of Conscience established therein. [24th *June* 1822.]

5 G.3. c.24. (I.)
11 & 12 G.3. c.18. (I.)
26 G.3. c.28. (I.)
3 G.3. c.17. (I.) in part repealed.

Cap. lxxxvi.

An Act for continuing the Term, and altering and enlarging the Powers of several Acts passed in the Reign of King *George* the Second and His late Majesty King *George* the Third, for repairing the Road from *Westwood Gate* in the County of *Bedford*, through *Rushden* and *Higham Ferrers*, and over *Artleborough Bridge*, to *Barton Seagrave Lane* in the County of *Northampton*. (*a*) [24th *June* 1822.]

27 G.2. c.33.
21 G.3. c.94.
42 G.3. c.xxxvi. continued.

[*New Trustees. Former Tolls to cease, and new ones granted. Royal Family exempt from Toll.*]

Cap. lxxxvii.

An Act for more effectually amending, improving and keeping in Repair the Roads leading from certain Bridges over the River *Wye*, called *Whitney Bridge* and *Bredwardine Bridge*, in the County of *Hereford*, towards the Town of *Hay*, in the County of *Brecon*. (*a*) [24th *June* 1822.]

33 G.2. c.58.
22 G.3. c.108.
44 G.3. c.xxxix. repealed.

[*New Trustees. Royal Family exempt from Toll.*]

Cap. lxxxviii.

An Act for more effectually repairing and improving the Road from a Place called *The Old Gallows* in the Parish of *Sonning*, otherwise *Sunning*, in the County of *Berks*, through *Workingham*, *New Bracknowl* and *Sunninghill*, to *Virginia Water*, in the Parish of *Egham* in the County of *Surrey*. (*b*) [24th *June* 1822.]

32 G.2. c.46.
20 G.3. c.99.
41 G.3. c.ii. repealed.

[*New Trustees. Royal Family exempt from Toll.*]

Cap. lxxxix.

An Act to continue the Term and alter and enlarge the Powers of an Act of His late Majesty King *George* the Third, for more effectually amending, widening, improving and keeping in

39 & 40 G.3. c.xcv. continued.

in Repair several Roads leading from the *Hundred House* in the County of *Worcester*, and also several other Roads therein mentioned. (*c*) [24th *June* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. xc.

26 G. 2. c. 78. 20 G. 3. c. 67. 41 G. 3. c. lxxxiv. repealed.

An Act for more effectually repairing the Road from the Guide Post near the End of *Drayton Lane*, near *Banbury* in the County of *Oxford*, to the House called *The Sun Rising*, at the top of *Edge Hill* in the County of *Warwick*. (*b*) [24th *June* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. xci.

15 G. 3. c. 73. 36 G. 3. c. 141. 54 G. 3. c. cxxvi. continued.

An Act for continuing and amending Three Acts of His late Majesty, for repairing the Road from *Old Stratford* in the County of *Northampton* to *Dunchurch* in the County of *Warwick*. (*c*) [24th *June* 1822.]

[*New Trustees. Former Tolls repealed, and new ones granted. Sunday Toll continued. Former Exemptions repealed.*]

Cap. xcii.

An Act for more effectually repairing the Road between *Great Marlow* and *West Wycombe*, and between *Terwick* and *Aylesbury*, in the County of *Buckingham*; and for making and maintaining Two new Pieces of Road communicating therewith. (*b*) [24th *June* 1822.]

[*Royal Family exempt from Toll.*]

Cap. xciii.

39 & 40 G. 3. c. xlvi. repealed.

An Act for repairing, altering and improving the Road from *The Stone Pillar* or *Cross Hand* in the Parish of *Chippenham* in the County of *Wilts*, to or near to *Knox Bridge* in the Parish of *Westerleigh*, in the County of *Gloucester*; and several other Roads therein mentioned, in the said Counties of *Gloucester* and *Wilts*. (*a*) [24th *June* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. xciv.

39 & 40 G. 3. c. xv. repealed as to the Road called District of Caerleon.

An Act for repairing and improving several Roads leading to and from the Town of *Caerleon* in the County of *Monmouth*. (*b*) [24th *June* 1822.]

[*Royal Family exempt from Toll.*]

Cap. xcv.

28 G. 2. c. 46. 20 G. 3. c. 69.

An Act for more effectually repairing the Road leading from the *Cross-of-Hand* near *Finford Bridge* in the County of *Warwick*, through

through the Town of *Southam* in the same County, to the Borough of *Banbury* in the County of *Oxford*. (*a*) [24th *June* 1822.] — 42 G.3. c.xiv. repealed.

[*New Trustees. Former Tolls repealed, and new ones granted. Royal Family exempt from Toll.*]

Cap. xcvi.

An Act for continuing the Term and enlarging the Powers of an Act of the Forty first Year of His late Majesty King *George* the Third, for repairing the Road from the Town and Port of *Dover* to the Town and Port of *Sandwich*, and also the Road from the present Turnpike Road leading from *Dover* to *Barham Downs*, up *Kersney Court Hill* to the Parish of *Whitfield*, otherwise *Beausfield*, in the County of *Kent*. (*c*) [24th *June* 1822.] — 41 G.3. c.xi. continued.

[*New Trustees. Tolls on Road between Sandwich and Eastry, and on Road lying between Eastry and the Turnpike Road from Dover to Barham Downs at the Bottom of Kersney Court Hill, repealed. Royal Family exempt from Toll.*]

Cap. xcvii.

An Act to continue the Term and Powers of Three several Acts for repairing and widening the Road from the *Swan Inn* at *Leatherhead*, to the *May Pole* at the upper End of *Spital* or *Somerset Street* in the Parish of *Stoke*, near the Town of *Guldeford* in the County of *Surrey*. (*c*) [24th *June* 1822.] — 31 G.2. c.77; 19 G.3. c.104; 39&40 G.3. c.xxvii. continued.

[*Additional Trustees. Royal Family exempt from Toll.*]

Cap. xcviii.

An Act for making, widening, repairing and maintaining certain Roads leading to and from the Town of *Honiton* in the County of *Devon*. (*a*) [24th *June* 1822.] — 32 G.3. c.144. in part repealed.

[*New Trustees. Former Tolls made to cease, and new ones granted. Royal Family exempt from Toll.*]

Cap. xcix.

An Act for amending and repairing the Roads from *Minehead* in the County of *Somerset*, to *Batham Bridge* in the Town of *Bampton* in the County of *Devon*; and for making a new Branch of Road to communicate therewith. (*a*) [24th *June* 1822.] — 5 G.3. c.93; 26 G.3. c.136; 47 G.3. sess.1. cxxvii. in part repealed.

[*New Trustees. Royal Family exempt from Toll.*]

Cap. c.

An Act for amending, widening and keeping in Repair the Roads leading from the Town of *Northampton* to *Chain Bridge*, near the Town of *Market Harborough*, and from the Direction Post in *Kingsthorpe* to *Welford Bridge*, all in the County of *Northampton*. (*a*) [24th *June* 1822.] — 50 G.3. c.cliv. repealed.

[*New Trustees. Royal Family exempt from Toll.*]

Cap. ci.

31 G.2. c.61. 19 G.3. c.116. 41 G.3. c.xlii. repealed.

An Act for more effectually amending and repairing the Road from *Cirencester* in the County of *Gloucester*, to the Town Bridge in *Cricklade* in the County of *Wilts*. (*a*) [1st *July* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. cii.

An Act for erecting and maintaining a Chain Pier and other Works connected therewith, at the Town of *Brighthelmston*, in the County of *Sussex*. [5th *July* 1822.]

[*Vessels in His Majesty's Service, &c. exempt from Toll.*]

Cap. ciii.

An Act for raising Money on the Credit of the County Rates, for the Purpose of rebuilding and repairing certain Bridges in the County of *Westmorland*. [15th *July* 1822.]

Cap. civ.

c. xiii. ante.

An Act to rectify Mistakes in an Act of this Session of Parliament, for making the Road from *Brighton* to *Shoreham Bridge*, in the County of *Sussex*. [15th *July* 1822.]

Cap. cv.

27 G.2. c.32. 5 G.3. c.75. 32 G.3. c.144. in part repealed.

An Act for repairing, widening and maintaining several Roads in the Counties of *Dorset* and *Devon* leading to and through the Town of *Axminster*. (*b*) [15th *July* 1822.]

[*New Trustees. Royal Family exempt from Toll.*]

Cap. cvi.

An Act to repeal the Acts now in force relating to Bread to be sold in the City of *London* and the Liberties thereof, and within the Weekly Bills of Mortality, and Ten Miles of the *Royal Exchange*; and to provide other Regulations for the Making and Sale of Bread, and preventing the Adulteration of Meal, Flour and Bread, within the Limits aforesaid.

[22d *July* 1822.]

55 G.3. c.xcix.

'WHEREAS an Act was passed in the Fifty fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the Acts now in force relating to Bread to be sold in the City of* London *and Liberties thereof, and within the Weekly Bills of Mortality, and Ten Miles of the* Royal Exchange, *and to prevent the Adulteration of Meal, Flour and Bread, and to regulate the Weights of Bread within the same Limits*: And Whereas an Act was passed in the Fifty ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to alter and amend an Act made in the Fifty fifth Year of the Reign of His present Majesty, intituled* 'An 'Act to repeal the Acts now in force relating to Bread to be sold 'in the City of London *and the Liberties thereof, and within the* 'Weekly Bills of Mortality and Ten Miles of the Royal Exchange, 'and to prevent the Adulteration of Meal, Flour and Bread, and

59 G.3. c. cxxvii.

'to

'*to regulate the Weights of Bread within the same Limits;*' which
'said last mentioned Act was, by another Act passed in the Six- 60 G. 3. c. 1.
'tieth Year of His said late Majesty King *George* the Third,
'continued until the Twenty fourth Day of *June* One thousand
'eight hundred and twenty: And Whereas another act was passed
'in the First Year of the Reign of His present Majesty, intituled 1 G. 4. c. iv.
'*An Act to continue until the Twenty fourth Day of* June *One*
'*thousand eight hundred and twenty two, Two Acts of the Fifty*
'*ninth and Sixtieth Years of His late Majesty, for regulating the*
'*Weight and Sale of Bread:* And Whereas it is expedient that
'the said recited Acts of the Fifty ninth and Sixtieth Years of
'the Reign of His said late Majesty, and of the First Year of the
'Reign of His present Majesty, should be continued until the
'Twenty ninth Day of *September* next; and that from and after
'the said Twenty ninth Day of *September* next, the said recited
'Act of the Fifty fifth Year of the Reign of His said late Ma-
'jesty, and the several Provisions therein contained, (except so
'much thereof as repeals any former Act or Acts) shall be alto-
'gether repealed; and that in lieu of the several Provisions and
'Penalties contained in that Act, and in the said recited Act of
'the Fifty ninth Year of the Reign of His said late Majesty, the
'Regulations, Provisions and Penalties hereinafter contained shall
'be substituted: But inasmuch as the Purposes aforesaid cannot
'be effected without the Aid and Authority of Parliament:' May
it therefore please Your Majesty that it may be enacted; And
be it enacted by the King's most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, That the said recited Acts of the Fifty 59 G. 3. 60 G. 3. and 1 G. 4. continued to 29th Sept. 1822; and after that Day, 55 G. 3. c. xcix. repealed.
ninth and Sixtieth Years of the Reign of His said late Majesty,
and of the First Year of the Reign of His present Majesty, and
the several Clauses and Provisions therein contained, shall be and
the same are hereby continued, and shall remain and continue in
force until the said Twenty ninth Day of *September* next; and that
from and after the said Twenty ninth Day of *September*, the said
recited Act of the Fifty fifth Year of the Reign of His said late
Majesty, and all and every the Provisions therein contained, (ex-
cept so much thereof as repeals any former Act or Acts) shall be
and the same are hereby repealed.

II. And be it further enacted, That it shall and may be lawful Bread made of the Articles herein mentioned may be sold.
for the several Bakers or Sellers of Bread within the City of
London and the Liberties thereof, within the Weekly Bills of
Mortality, and within Ten Miles of the *Royal Exchange*, to make
and sell, or offer for Sale, in his, her or their Shop, or to deliver
to his, her or their Customer or Customers, Bread made of Flour,
or Meal of Wheat, Barley, Rye, Oats, Buck Wheat, Indian Corn,
Peas, Beans, Rice or Potatoes, or any of them, and with any
common Salt, pure Water, Eggs, Milk, Barm, Leaven, Potatoe
or other Yeast, and mixed in such Proportions as they shall think
fit, and with no other Ingredient or Matter whatsoever, subject
to the Regulations hereinafter contained.

III. And be it further enacted, That it shall and may be law- Bakers to make Bread of any Weight or Size.
ful for the several Bakers or Sellers of Bread within the Limits
aforesaid, to make and sell, or offer for Sale, in his, her or their
Shop,

Shop, or to deliver to his, her or their Customer or Customers, Bread made of such Weight or Size as such Bakers or Sellers of Bread shall think fit; any Law or Usage to the contrary notwithstanding.

Bread to be sold by Weight, and in no other manner.

IV. And be it further enacted, That from and after the Commencement of this Act, all Bread sold within the Limits aforesaid, shall be sold by the several Bakers or Sellers of Bread respectively within the said Limits by Weight; and in case any Baker or Seller of Bread within the Limits aforesaid shall sell, or cause to be sold, Bread in any other manner than by Weight, then and in such case every such Baker or Seller of Bread shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, which the Magistrate or Magistrates, Justice or Justices, before whom such Offender or Offenders shall be convicted, shall order and direct: Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent or hinder any such Baker or Seller of Bread from selling Bread usually sold under the Denomination of French or Fancy Bread, or Rolls, without previously weighing the same.

Penalty.

Proviso for French and Fancy Bread, and Rolls.

Bakers using any other Weight than Avoirdupois Weight.

V. And be it further enacted, That the several Bakers or Sellers of Bread respectively within the said Limits, in the Sale of Bread shall use the Avoirdupois Weight of Sixteen Ounces to the Pound, according to the Standard in the Exchequer, and the several Gradations of the same for any less Quantity than a Pound; and in case any such Baker or Seller of Bread shall at any Time use any other than the Avoirdupois Weight, and the several Gradations of the same, he, she or they shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, as the Magistrate or Magistrates, Justice or Justices, before whom such Conviction shall take place, shall from time to time order and adjudge.

Penalty.

The Peck Loaf and its Subdivisions not to be made or sold during the next Two Years.

VI. Provided always, and be it further enacted, That it shall not be lawful for any Baker or Seller of Bread within the Limits aforesaid, during the Space of Two Years from the Commencement of this Act, to make and sell, or offer for Sale in his, her or their Shop, or to deliver to his, her or their Customer or Customers, any Loaf or Loaves of the Description or Denomination of the Peck, Half Peck, Quarter of a Peck or Half quarter of a Peck Loaf or Loaves, or any or either of them; and every such Baker or Seller of Bread who shall at any Time during the said Term make, sell or cause to be sold, or offer for Sale, any Loaf or Loaves of Bread of the Description or Denomination aforesaid, or either of them, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings, as the Magistrate or Magistrates, Justice or Justices, before whom any such Offender shall be convicted, shall order and direct.

Penalty.

Selling Bread not previously weighed.

VII. And be it further enacted, That in case any such Baker or Seller of Bread shall at any Time before the Expiration of Two Years from the Commencement of this Act, sell or deliver in his, her or their Shop, House or Premises, any Bread which shall not have been previously weighed in the Presence of the Party purchasing the same, whether required by the Purchaser so to do or not, except as aforesaid, then and in every such case every such Baker or Seller of Bread so offending, shall, upon Conviction in

manner hereinafter mentioned, forfeit and pay for every such Offence, any Sum not exceeding the Sum of Ten Shillings, as the Magistrate or Magistrates, Justice or Justices, before whom such Conviction shall take place, shall from time to time order and adjudge. Penalty.

VIII. And be it further enacted, That every Baker or Seller of Bread within the Limits aforesaid, shall cause to be fixed in some conspicuous Part of his, her or their Shop, on or near the Counter, a Beam and Scales with proper Weights, or other sufficient Balance, in order that all Bread there sold may from time to time be weighed in the Presence of the Purchaser or Purchasers thereof, except as aforesaid; and in case any such Baker or Seller of Bread shall neglect to fix such Beam and Scales, or other sufficient Balance, in manner aforesaid, or to provide and keep for use proper Beam and Scales, and proper Weights or Balance, or shall have or use any incorrect or false Beam or Scales, or Balance, or any false Weight not being of the Weight it purports to be, according to the Standard in the Exchequer, then and in every such case, he, she or they shall, for every such false Beam and Scales, and Balance or false Weight, forfeit and pay any Sum not exceeding Five Pounds, which the Magistrate or Magistrates, Justice or Justices, before whom such Offender or Offenders shall be convicted, shall order and direct. Bakers to provide in their Shops Beams, Scales and Weights, &c. and to weigh Bread, &c. Penalty.

IX. And be it further enacted, That every Baker or Seller of Bread within the Limits aforesaid, and every Journeyman, Servant or other Person employed by such Baker or Seller of Bread, who shall convey or carry out Bread for Sale in any Cart or other Carriage, drawn by a Horse, Mule or Ass, shall be provided with, and shall constantly carry in such Cart or other Carriage, a correct Beam and Scales with proper Weights, or other sufficient Balance, in order that all Bread sold by every such Baker or Seller of Bread, or by his or her Journeyman, Servant or other Person, may from time to time be weighed in the Presence of the Purchaser or Purchasers thereof, except as aforesaid; and in case any such Baker or Seller of Bread, or his or her Journeyman, Servant or other Person, shall at any Time carry out or deliver any Bread, without being provided with such Beam and Scales with proper Weights, or other sufficient Balance, or whose Weights shall be deficient in their due Weight according to the Standard in the Exchequer, or shall at any Time refuse to weigh any Bread purchased of him, her or them, or delivered by his, her or their Journeyman, Servant or other Person, in the Presence of the Person or Persons purchasing or receiving the same; then and in every such case every such Baker or Seller of Bread shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, which the Magistrate or Magistrates, Justice or Justices, before whom such Offender or Offenders shall be convicted, shall order and direct. Bakers and Sellers of Bread, &c. delivering by Cart, &c. to be provided with Scales, Weights, &c. for Weighing Bread. Penalty.

X. And be it further enacted, That no Baker or other Person or Persons who shall make Bread for Sale within the Limits aforesaid, nor any Journeyman or other Servant of any such Baker or other Person, shall at any Time or Times, in the making of Bread for Sale within such Limits, use any Mixture or Ingredient whatsoever in the making of such Bread, other than and except as hereinbefore mentioned, on any Account or under any Colour Adulterating Bread.

or Pretence whatsoever, upon Pain that every such Person, whether Master or Journeyman, Servant or other Person, who shall offend in the Premises, and shall be convicted of any such Offence, by the Oath, or in case of a Quaker, by Affirmation, of One or more credible Witness or Witnesses, or by his, her or their own Confession, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds, or in Default thereof shall, by Warrant under the Hands and Seals of the Magistrate or Magistrates, Justice or Justices, before whom such Offender shall be convicted, be apprehended and committed to the House of Correction, or some Prison of the City, County, Borough or Place where the Offence shall have been committed, or the Offender or Offenders shall be apprehended, there to remain for any Time not exceeding Six Calendar Months from the Time of such Commitment, unless the Penalty shall be sooner paid, as any such Magistrate or Magistrates, Justice or Justices, shall think fit and order; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices, before whom any such Offender or Offenders shall be convicted, to cause the Offender's Name, Place of Abode and Offence, to be published in some Newspaper which shall be printed or published in or near the City of *London* or the Liberty of *Westminster*, and to defray the Expence of publishing the same out of the Money to be forfeited as last mentioned, in case any shall be so forfeited, paid or recovered.

Penalty.

Names of Offenders to be published.

Adulterating Corn, Meal or Flour.

Selling Flour of one Sort of Corn as the Flour of any other Sort.

XI. And be it further enacted, That if any Person within the Limits aforesaid, shall put into any Corn, Meal or Flour, which shall be ground, dressed, bolted or manufactured for Sale within such Limits, either at the Time of grinding, dressing, bolting or manufacturing the same, or at any other Time, any Ingredient or Mixture whatsoever, not being the real and genuine Produce of the Corn or Grain which shall be so ground; or if any Person shall, within the Limits aforesaid, knowingly sell, or offer or expose for Sale, either separately or mixed, any Meal or Flour of one Sort of Corn or Grain, as the Meal or Flour of any other Sort of Corn or Grain, or any Ingredient whatsoever mixed with the Meal or Flour so sold or offered or exposed for Sale; then and in every such Case every Person so offending shall, upon Conviction before any one or more Magistrate or Magistrates, Justice or Justices of the City, County, Borough or Place where such Offence shall have been committed, on the Oath, or in case of a Quaker by Affirmation, of One or more credible Witness or Witnesses, or by his, her or their own Confession, forfeit and pay for every such Offence, any Sum not exceeding Twenty Pounds, nor less than Five Pounds, which such Magistrate or Magistrates, Justice or Justices, before whom any such Offender or Offenders shall be convicted, shall think fit and order.

Penalty.

Bread made of mixed Meal or Flour to be marked with a Roman M.

XII. And be it further enacted, That every Person who shall make for Sale, or sell or expose for Sale, within the Limits aforesaid, any Bread, made wholly or partially of the Meal or Flour of any other Sort of Corn or Grain than Wheat, or of the Meal or Flour of any Peas or Beans, shall cause all such Bread to be marked with a large Roman M; and if any Person shall at any Time, within the Limits aforesaid, make or sell, or expose for Sale, any such Bread without such Mark as hereinbefore directed, then and in

every such case, every Person so offending shall, upon Conviction in manner hereinafter mentioned, forfeit and pay for every Pound Weight of such Bread, and so in Proportion for any less Quantity, which shall be so made for Sale or sold or exposed for Sale, without being so marked as aforesaid, any Sum not exceeding Ten Shillings, as the Magistrate or Magistrates, Justice or Justices, before whom such Conviction shall take place, shall from time to time order and adjudge. Penalty.

XIII. And be it further enacted, That it shall be lawful for any Magistrate or Magistrates, Justice or Justices of the Peace, within the Limits of their respective Jurisdictions, and also for any Peace Officer or Officers, authorized by Warrant under the Hand and Seal or Hands and Seals of any such Magistrate or Magistrates, Justice or Justices (and which Warrant any such Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to grant), at seasonable times in the Day Time, to enter into any House, Mill, Shop, Stall, Bakehouse, Bolting House, Pastry Warehouse, Outhouse or Ground of or belonging to any Miller, Mealman or Baker, or other Person who shall grind Grain, or dress or bolt Meal or Flour, or make Bread for Reward or Sale, within the Limits aforesaid, and to search or examine whether any Mixture or Ingredient not the genuine Produce of the Grain such Meal or Flour shall import or ought to be, shall have been mixed up with or put into any Meal or Flour in the Possession of such Miller, Mealman or Baker, either in the grinding of any Grain at the Mill, or in the dressing, bolting or manufacturing thereof, whereby the Purity of any Meal or Flour is or shall be in any wise adulterated; or whether any Mixture or Ingredient, other than is allowed by this Act, shall have been mixed up with or put into any Dough or Bread in the Possession of any such Baker or other Person, whereby any such Dough or Bread is or shall be in any wise adulterated; and also to search for any Mixture or Ingredient which may be intended to be used in or for any such Adulteration or Mixture; and if on any such Search, it shall appear that any such Meal, Flour, Dough or Bread so found, shall have been so adulterated by the Person in whose Possession it shall then be, or any Mixture or Ingredient shall be found, which shall seem to have been deposited there in order to be used in the Adulteration of Meal, Flour or Bread; then and in every such case, it shall be lawful for every such Magistrate or Magistrates, Justice or Justices of the Peace, or Officer or Officers authorized as aforesaid respectively, within the Limits of their respective Jurisdictions, to seize and take any Meal, Flour, Dough or Bread which shall be found in any such Search, and deemed to have been adulterated, and all Ingredients and Mixtures which shall be found and deemed to have been used or intended to be used in or for any such Adulteration as aforesaid; and such Part thereof as shall be seized by any Peace Officer or Officers authorized as aforesaid, shall, with all convenient Speed after Seizure, be carried to the nearest resident Magistrate or Magistrates, Justice or Justices of the Peace, within the Limits of whose Jurisdiction the same shall have been so seized; and if any Magistrate or Magistrates, Justice or Justices, who shall make any such Seizure in pursuance of this Act, or to whom any thing so seized under the Authority of this Act shall be brought, shall adjudge

Magistrates or Peace Officers, by their Warrants, may search a Baker's Premises, and if any adulterated Flour, Bread, &c. be found, the same may be seized and disposed of as herein mentioned.

adjudge that any such Meal, Flour, Dough or Bread so seized shall have been adulterated by any Mixture or Ingredient put therein, other than is allowed by this Act, or shall adjudge that any Ingredient or Mixture so found as aforesaid shall have been deposited or kept where so found for the Purpose of adulterating Meal, Flour or Bread; then and in any such case, every such Magistrate or Magistrates, Justice or Justices of the Peace, is and are hereby required, within the Limits of their respective Jurisdictions, to dispose of the same as he or they, in his or their Discretion, shall from time to time think proper.

Ingredients for Adulteration of Meal or Bread found in any Premises.

XIV. And be it further enacted, That every Miller, Mealman or Baker, within the Limits aforesaid, in whose House, Mill, Shop, Stall, Bakehouse, Boltinghouse, Pastry Warehouse, Outhouse, Ground or Possession, any Ingredient or Mixture shall be found, which shall, after due Examination, be adjudged by any Magistrate or Magistrates, Justice or Justices of the Peace, to have been deposited there for the Purpose of being used in adulterating Meal, Flour or Bread, shall, on being convicted of any such Offence, either by his, her or their own Confession, or by the Oath, or in the case of a Quaker by Affirmation, of One or more credible Witness or Witnesses, forfeit and pay, on every such Conviction, any Sum of Money not exceeding Ten Pounds nor less than Forty Shillings for the First Offence; Five Pounds for the Second Offence, and Ten Pounds for every subsequent Offence; or in default of Payment thereof, shall, by Warrant under the Hand and Seal or Hands and Seals of the Magistrate or Magistrates, Justice or Justices, before whom such Offender shall be convicted, be apprehended and committed to the House of Correction, or some Prison of the City, County or Place where the Offence shall have been committed, or the Offender or Offenders shall be apprehended, there to remain for any Time not exceeding Six Calendar Months from the Time of such Commitment, (unless the Penalty be sooner paid) as any such Magistrate or Magistrates, Justice or Justices, shall think fit and order; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices, before whom any such Offender shall be convicted, to cause the Offender's Name, Place of Abode and Offence, to be published in some Newspaper which shall be printed or published in or near the City of *London*, and to defray the Expence of publishing the same out of the Money to be forfeited as last mentioned, in case any shall be so forfeited, paid or recovered.

First Offence.

Second Offence.

Subsequent Offence.

Names of Offenders to be published.

Obstructing Search.

XV. And be it further enacted, That if any Person or Persons shall wilfully obstruct or hinder any such Search as hereinbefore is authorized to be made, or the Seizure of any Meal, Flour, Dough or Bread, or of any Ingredient or Mixture which shall be found on any such Search, and deemed to have been lodged with an Intent to adulterate the Purity or Wholesomeness of any Meal, Flour, Dough or Bread, or shall wilfully oppose or resist any such Search being made, or the carrying away any such Ingredient or Mixture as aforesaid, or any Meal, Flour, Dough or Bread, which shall be seized as being adulterated, or as not being made pursuant to this Act, he, she or they so doing or offending in any of the Cases last aforesaid, shall for every such Offence, on being convicted thereof, forfeit and pay such Sum, not exceeding Ten Pounds, as the Ma-

Penalty.

gistrate or Magistrates, Justice or Justices, before whom such Offender or Offenders shall be convicted, shall think fit and order: Provided also, that if any Person making or who shall make Bread for Sale within the Limits aforesaid, shall at any time make Complaint to any Magistrate or Magistrates, Justice or Justices of the Peace, within his or their Jurisdiction, and make appear to him or them, by the Oath, or in the case of a Quaker by Affirmation, of any credible Witness, that any Offence which such Person shall have been charged with, and for which he or she shall have incurred and paid any Penalty under this Act, shall have been occasioned by or through the wilful Act, Neglect or Default of any Journeyman or other Servant employed by or under such Person so making Complaint, then and in any such case, any such Magistrate or Magistrates, Justice or Justices, may and is or are hereby required to issue out his or their Warrant, under his or their Hand and Seal, or respective Hands and Seals, for bringing any such Journeyman or Servant before any such Magistrate or Magistrates, Justice or Justices, or any Magistrate or Justice of the Peace acting in and for the City, County, Division or Place where the Offender can be found; and on any such Journeyman or Servant being thereupon apprehended and brought before any such Magistrate or Magistrates, Justice or Justices, he or they, within his or their respective Jurisdiction, is and are hereby authorized and required to examine into the Matter of such Complaint, and on Proof thereof upon Oath or Affirmation to the Satisfaction of any such Magistrate or Magistrates, Justice or Justices of the Peace, who shall hear such Complaint, then any such Magistrate or Magistrates, Justice or Justices is and are hereby directed and authorized, by any Order under his or their respective Hand or Hands, to adjudge and order what reasonable Sum of Money shall be paid by any such Journeyman or Servant to his Master or Mistress, as or by way of recompence to him or her for the Money he or she shall have paid by reason of the wilful Act, Neglect or Default of any such Journeyman or Servant; and if any such Journeyman or Servant shall neglect or refuse, on his Conviction, to make immediate Payment of the Sum of Money which any such Magistrate or Magistrates, Justice or Justices, shall order him to pay by reason of such his said wilful Neglect or Default, then any such Magistrate or Magistrates, Justice or Justices, within his or their respective Jurisdiction, is or are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Journeyman or Servant to be apprehended and committed to the House of Correction, or some other Prison of the City, County, Division or Place, in which such Journeyman or Servant shall be apprehended or convicted, to be there kept to hard Labour for any Term not exceeding Six Calendar Months from the Time of such Commitment, as to such Magistrate or Magistrates, Justice or Justices, shall seem reasonable, unless Payment shall be made of the Money ordered after such Commitment, and before the Expiration of the said Term of Six Months.

Offences occasioned by wilful Default of Journeymen and Servants,

Proceedings.

Penalty on Journeymen.

Not paid.

Imprisonment, &c.

XVI. Provided always, and be it further enacted, That no Master, Mistress, Journeyman or other Person respectively, exercised or employed in the Trade or Calling of a Baker within the Limits aforesaid,

Bakers baking Bread or Rolls on the Lord's

Day; or selling Bread, or baking Bread, Pies, &c. except between certain Hours.

aforesaid, shall, on the Lord's Day, or on any Part thereof, make or bake any Bread, Rolls or Cakes of any Sort or Kind; or shall, on any other Part of the said Day than between the Hours of Nine of the Clock in the Forenoon and One of the Clock in the Afternoon, on any Pretence whatsoever, sell or expose to Sale, or permit or suffer to be sold or exposed to Sale any Bread, Rolls or Cakes, of any Sort or Kind; or bake or deliver, or permit or suffer to be baked or delivered, any Meat, Pudding, Pie, Tart or Victuals, except as hereinafter is excepted, or in any other manner exercise the Trade or Calling of a Baker, or be engaged or employed in the Business or Occupation thereof, save and except so far as may be necessary in setting and superintending the Sponge to prepare the Bread or Dough for the following Day's Baking; and every Person offending against the last mentioned Regulations, or any One or more of them, or making any Sale or Delivery hereby allowed otherwise than within the Bakehouse or Shop, and being thereof convicted before any Justice of the Peace of the City, County or Place where the Offence shall be committed, within Six Days from the Commission thereof, either upon the View of such Justice, or on Confession by the Party, or Proof by One or more credible Witness or Witnesses upon Oath or Affirmation, shall for every such Offence pay and undergo the Forfeiture, Penalty and Punishment hereinafter mentioned; (that is to say), for the First Offence the Penalty of Ten Shillings; for the Second Offence the Penalty of Twenty Shillings; and for the Third and every subsequent Offence respectively the Penalty of Forty Shillings; and shall moreover, upon every such Conviction, bear and pay the Costs and Expences of the Prosecution, such Costs and Expences to be assessed, settled and ascertained by the Justice convicting, and the Amount thereof, together with such Part of the Penalty as such Justice shall think proper to be allowed to the Prosecutor or Prosecutors for Loss of Time in instituting and following up the Prosecution, at a Rate not exceeding Three Shillings *per Diem*, and to be paid to the Prosecutor or Prosecutors for his, her and their own Use and Benefit, and the Residue of such Penalty to be paid to such Justice, and within Seven Days after his Receipt thereof to be transmitted by him to the Churchwardens or Overseers of the Parish or Parishes where the Offence shall be committed, to be applied for the Benefit of the Poor thereof; and in case the whole Amount of the Penalty, and of the Costs and Expences aforesaid, be not forthwith paid after Conviction of the Offender or Offenders, such Justice shall and may, by Warrant under his Hand and Seal, direct the same to be raised and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders; and in Default or Insufficiency of such Distress, commit the Offender or Offenders to the House of Correction, on a First Offence for the Space of Seven Days, for a Second Offence for the Space of Fourteen Days, and on a Third or any subsequent Offence for the Space of One Month, unless the Whole of the Penalty, Costs and Expences be sooner paid and discharged: Provided nevertheless, that it shall be lawful for every Master or Mistress Baker, residing within the Limits aforesaid, to deliver to his or her Customers, on the Lord's Day, any Bakings until Half an Hour past One of the Clock in the Afternoon of that Day, without incurring

Penalty.

First Offence.

Second Offence.

Subsequent Offence.

Bakings may be delivered till Half past One on Sundays.

incurring or being liable to any of the Penalties in this Act contained.

Miller, Mealman or Baker, acting as a Justice of Peace. Penalty, 100l.

XVII. Provided always, and be it further enacted, That no Person who shall follow or be concerned in the Business of a Miller, Mealman or Baker, shall be capable of acting or shall be allowed to act as a Justice of the Peace under this Act, or in putting in Execution any of the Powers in or by this Act granted; and if any Miller, Mealman or Baker shall presume so to do, he or they so offending in the Premises shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds, to any Person or Persons who will inform or sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint or Information, wherein no Essoign, Wager of Law, or more than One Imparlance, shall be allowed.

Opposing Execution of Act. Penalty.

XVIII. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, every such Person offending therein shall for every such Offence forfeit any Sum not exceeding Ten Pounds, at the Discretion of the Magistrate or Magistrates, Justice or Justices of the Peace, before whom he or she shall be convicted of such Offence.

Recovery and Application of Penalties and Forfeitures. Distress.

XIX. And be it further enacted, That all Penalties, Forfeitures and Fines by this Act inflicted or authorized to be imposed, (the Manner of levying and recovering and applying whereof is not herein otherwise directed), shall upon Proof and Conviction of the Offences respectively before any Magistrate or Justice of the Peace for the City, County or Place where the Offence shall have been committed (as the case may require), either by the Confession of the Party offending, or by the Oath (or in case of a Quaker on Affirmation) of any credible Witness or Witnesses, (which Oath or Affirmation every such Magistrate or Justice is in every such case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Magistrate or Justice (which Warrant such Magistrate or Justice is hereby empowered and required to grant); and the Overplus (if any) after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Magistrate or Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Magistrate or Justice, for his or their Appearance before such Magistrate or Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Magistrate or Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can

be had thereupon, then it shall be lawful for any such Magistrate or Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the City, County or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month, (save and except as herein otherwise directed), unless such Penalties, Forfeitures and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from time to time paid, One Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to the Churchwardens or Overseers of the Poor of the Parish or Place in which such Offence shall have been committed, to be by them applied and disposed for the Benefit of the Poor thereof.

Imprisonment.

Summonses served.

XX. And be it further enacted, That every Summons to be served on every Offender against any of the Provisions of this Act, shall be in the Form or to the Effect following:

Form.

'To *A. B.* of
'County of } WHEREAS Complaint and Information hath been
' made before me *C. D.* One of His Majesty's Jus-
'(to wit.) } tices of the Peace or Magistrate for the said [Coun-
'ty, &c.] by *E. F.* of , That, &c. [*here state*
'*the Nature and Circumstances of the Case, as far as it shall be ne-*
'*cessary to shew the Offence, and to bring it within the Authority of*
'*the Justice or Magistrate, and in doing that follow the Words of*
'*the Act as near as may be*]: These are therefore to require you
'personally to appear before me [*or* such other Justice or Magis-
'trate as shall be then and there present] at in the said
'[County, &c.] on the Day of next, at
'the Hour of in the noon, to answer to the
'said Complaint and Information made by the said *E. F.*, who is
'likewise directed to be then and there present to make good the
'same. Herein fail not. Given under my Hand this
'Day of .'

Information for Offences.

XXI. And be it further enacted, That every Information to be laid before any Justice or Magistrate for any Offence against this Act shall be in the Form or to the Effect following:

Form.

'County of } BE it remembered, That on the Day of
' *A. B.* of in the said
'(to wit.) } County, informeth me, One of His
'Majesty's Justices of the Peace [*or* Magistrate, *as the case may*
'*be*] for the said County, that of
'in the said County [*here describe the Offence, with the Time and*
'*Place, and follow the Words of the Act as near as may be*], con-
'trary to the Statute made in the Third Year of the Reign of King
'*George* the Fourth, intituled *An Act to repeal the Acts now in*
'*force relating to Bread to be sold in the City of* London *and the*
'*Liberties thereof, and within the Weekly Bills of Mortality and*
'*Ten Miles of the* Royal Exchange; *and to provide other Regu-*

'*lations*

'*lations for the Making and Sale of Bread, and preventing the* '*Adulteration of Meal, Flour and Bread within the Limits afore-*'*said*, which hath imposed a Forfeiture of for the said 'Offence. Taken the Day of before me '*A. B.*'

Informations laid before acting Magistrate of District.

XXII. Provided always, and be it further enacted, That all Offences committed against this Act shall be laid before the Magistrate or Magistrates, Justice or Justices, usually acting in and for the District in which the Offence shall have been committed, in a summary Way upon Complaint, and the said Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to issue his or their Summons for the Purpose of hearing and determining the same.

Power to summon Witnesses in prosecuting Offences.

XXIII. And be it further enacted, That if it shall be made appear, by the Oath or Affirmation of any credible Person or Persons, to the Satisfaction of any Magistrate or Magistrates, Justice or Justices, that any Person or Persons within the Jurisdiction of any such Magistrate or Magistrates, Justice or Justices, is or are likely to give or offer material Evidence on behalf of the Prosecutor of any Offender or Offenders against the true Intent and Meaning of this Act, or on behalf of the Person or Persons accused, and will not voluntarily appear before such Magistrate or Magistrates, Justice or Justices, to be examined and give his, her or their Evidence concerning the Premises, every such Magistrate or Magistrates, Justice or Justices, is and are hereby authorized and required to issue his or their Summons to convene every such Person or Persons before any such Magistrate or Magistrates, Justice or Justices, at such seasonable Time as in such Summons shall be fixed; and if any Person so summoned, after having been paid or tendered a reasonable Sum for his, her or their Costs and Expences, shall neglect or refuse to appear at the Time by such Summons appointed, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been duly served upon the Party or Parties so summoned) every such Magistrate and Magistrates, Justice and Justices, is and are hereby authorized and required to issue his or their Warrant, under his Hand and Seal, or their Hands and Seals, to bring every such Person or Persons before any such Magistrate or Magistrates, Justice or Justices; and on the Appearance of any such Person before any such Magistrate or Magistrates, Justice or Justices, every such Magistrate or Magistrates, Justice or Justices, is and are hereby authorized and empowered to examine, upon Oath or Affirmation, every such Person; and if any such Person, on his or her Appearance, or on being brought before any such Magistrate or Magistrates, Justice or Justices, shall refuse to be examined upon Oath or Affirmation concerning the Premises, without offering any just Excuse for such Refusal, any such Magistrate or Magistrates, Justice or Justices, within the Limits of his or their Jurisdiction, may, by Warrant under his Hand and Seal, or their Hands and Seals, commit any Person or Persons so refusing to be examined, to the public Prison of the City, County, Division, Liberty or Place, in which the Person or Persons so refusing to be examined shall be, there to remain for any Time not exceeding

Tender of Expences.

Examination upon Oath.

Committal.

exceeding Fourteen Days, as any such Magistrate or Magistrates, Justice or Justices, shall direct.

False Evidence.

XXIV. And be it further enacted, That if any Person who shall take any Oath or make any Affirmation by this Act directed to be taken or made, shall wilfully forswear himself or herself, or make any false Affirmation, every such Person shall be subject and liable to be prosecuted for Perjury, by Indictment or Information, according to due course of Law; and if convicted thereof, shall be subject and liable to the Pains and Penalties which Persons convicted of wilful and corrupt Perjury are subject and liable to.

Perjury.

Form of Conviction.

XXV. And be it further enacted, That the Magistrate or Magistrates, Justice or Justices, before whom any Person shall be convicted in manner prescribed by this Act, shall cause every such Conviction to be drawn up in the Form or to the Effect following; (that is to say),

'
' to wit. } BE it remembered, That on this
' Day of in the
' Year of the Reign of *A. B.* is convicted
' before Majesty's Justices of the Peace
' for the said County of [*or*, for the
' Division of the said County of *or*, for the City,
' Liberty or Town of [*as the case shall happen to*
' *be*] for and do adjudge
' him [*or* her *or* them, *as the case may be*] to pay and forfeit for
' the same, the Sum of .
' Given under
' the Day and Year aforesaid.'

Proceedings not quashed for Want of Form.

XXVI. And be it further enacted, That no Order, Judgment or Conviction made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed or removeable by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress or any other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage, if any, in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on behalf of the Party distraining before such Action brought.

Proviso for Tender of Amends.

Appeal to Quarter Sessions.

XXVII. Provided always, and it is hereby further enacted, That if any Person or Persons convicted of any Offence punishable by this Act, shall think him, her or themselves aggrieved by the Judgment of the Magistrate or Magistrates, Justice or Justices, before whom

whom he, she or they shall have been convicted, it shall be lawful for such Person or Persons from time to time to appeal to the Justices at the next General or General Quarter Sessions of the Peace which shall be held for the City, County, Division, Liberty, Town or Place where such Judgment shall have been given; and that the Execution of such Judgment shall in such case be suspended, the Person or Persons so convicted entering into a Recognizance within Twenty four Hours of the Time of such Conviction, with Two sufficient Sureties, in double the Sum which such Person or Persons shall have been adjudged to pay or forfeit, upon Condition to prosecute such Appeal with effect, and to be forthcoming to abide the Judgment and Determination of the Justices at their said next General or General Quarter Sessions; which Recognizance the Magistrate or Magistrates, Justice or Justices, before whom such Conviction shall be had, is and are hereby empowered and required to take; and the Justices in the said General or General Quarter Sessions are hereby authorized and required to hear and finally determine the Matter of every such Appeal, and to award such Costs as to them shall appear just and reasonable to be paid by either Party; and if upon hearing the said Appeal the Judgment of the Magistrate or Magistrates, Justice or Justices, before whom the Appellant or Appellants shall have been convicted shall be confirmed, such Appellant or Appellants shall forthwith pay down the Sum he, she or they shall have been adjudged to have forfeited, together with such Costs as the said Justices in their said General or General Quarter Sessions shall award to be paid to the Prosecutor or Informer, for defraying the Expences sustained by reason of any such Appeal; and in Default of the Appellant's paying the same, any Two Justices, or any One Magistrate or Justice of the Peace having Jurisdiction in the Place into which any such Appellant or Appellants shall escape, or where he, she or they shall reside, shall and may, by Warrant under their Hands and Seals, or his Hand and Seal, commit any such Appellant or Appellants to the Common Gaol of the City, County, Division or Place where he, she or they shall be apprehended, until he, she or they shall make Payment of such Penalty, and of the Costs and Charges which shall be adjudged on the Conviction; but if the Appellant or Appellants in any such Appeal shall make good his, her or their Appeal, and be discharged of the said Conviction, reasonable Costs shall be awarded to the Appellant or Appellants against such Informer or Informers who would (in case of such Conviction) have been entitled to a Moiety of the Penalty to have been recovered as aforesaid; and which Costs shall and may be recovered by the Appellant or Appellants against any such Informer or Informers, in like manner as Costs given at any General or General Quarter Sessions are recoverable: Provided always, that no Person shall be detained in Prison for any such Offence for any greater length of Time than Three Calendar Months.

Recognizance.

Final.

Costs.

Appellant not paying Sum adjudged against him.

Proceedings.

Penalties how divided.

Costs how recovered.

XXVIII. Provided also, and be it further enacted, That if any such Conviction shall happen to be made within Six Days before any General or General Quarter Sessions of the Peace shall be held for the City, County, Division, Town Corporate, Borough or Place where such Conviction shall have been made, that the Party or Parties who shall think him, her or themselves aggrieved by any

Where Conviction within Six Days of Quarter Sessions, Time allowed for Appeal.

any such Conviction, shall and may, on entering into a Recognizance in Manner and for the Purposes before directed, be at liberty to appeal either to the then next or next following General or General Quarter Sessions of the Peace which shall be held for any such County, Division, City, Town Corporate, Borough, Liberty or Place, where any such Conviction shall have been made.

Limitation of Actions.

XXIX. And be it further enacted, That every Action or Suit which shall be brought or commenced against any Magistrate or Magistrates, Justice or Justices, or any Peace Officer or Officers, for any Matter or Thing done or committed by virtue of or under this Act, shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the City, County or Place where the Matter in Dispute shall arise, and not elsewhere; and that the Statute made in the Twenty fourth Year of the Reign of King *George* the Second, intituled *An Act for rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in Obedience to their Warrants*, so far as the said Act relates to the rendering the Justices more safe in the Execution of their Office, shall extend and be construed to extend to the Magistrate and Magistrates, Justice and Justices of the Peace acting under the Authority or in pursuance of this Act; and that no Action or Suit shall be had or commenced against, nor shall any Writ be sued out, or Copy of any Writ be served upon any Peace Officer or Officers, for any thing done in the Execution of this Act, until Seven Days after a Notice in Writing shall have been given to or left for him or them at his or their usual Place of Abode, by the Attorney for the Party intending to commence such Action, which Notice in Writing shall contain the Name and Place of Abode of the Person intending to bring such Action, and also of his Attorney, and likewise the Cause of Action or Complaint; and any Peace Officer or Officers shall be at Liberty and may, by virtue of this Act, at any time within Seven Days after any such Notice shall have been given to or left for him, tender or cause to be tendered any Sum or Sums of Money, as Amends for the Injury complained of, to the Party complaining, or to the Attorney named in such Notice; and if the same be not accepted, the Defendant or Defendants in any such Action or Actions may plead such Tender in Bar of such Action or Actions, together with the General Issue, or any other Plea, with Leave of the Court in which the Action shall be commenced; and if upon Issue joined on such Tender the Jury shall find the Amends tendered to have been sufficient, they shall find a Verdict for the Defendant or Defendants; and in every such case, or if the Plaintiff shall become Nonsuit, or discontinue his Action, or if Judgment shall be given for the Defendant or Defendants upon Demurrer, or if any Action or Suit shall be brought after the Time limited by this Act for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such case the Jury shall find a Verdict for the Defendant or Defendants, and the Defendant or Defendants shall be entitled to his or their Costs; but if the Jury shall find that no such Tender was made, or that the Amends tendered were not sufficient, or shall find against the Defendant or Defendants on any Plea or Pleas by him or them pleaded, they shall

24 G. 2. c. 44. extended to this Act.

Service of Writ upon Peace Officer.

Notice.

Tender of Amends.

Pleaded.

Costs.

shall then give a Verdict for the Plaintiff, and such Damages as they shall think proper, and the Plaintiff shall thereupon recover his Costs against every such Defendant or Defendants.

In Action for executing Act.

XXX. And be it further enacted, That if any Action or Suit shall be commenced against any other Person or Persons than a Magistrate, Justice or Peace Officer, for any thing done in pursuance of this Act, the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, or if a Verdict shall be recorded for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon a Verdict or Demurrer against the Plaintiff or Plaintiffs, the Defendant or Defendants in every such Action shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law for the Recovery of his, her or their Costs.

General Issue.

Treble Costs.

Limitation of Information.

XXXI. Provided also, and be it further enacted, That no Person shall be convicted of any Offence under this Act, unless the Complaint is made within Forty eight Hours after the Offence shall have been committed, except in Cases of Perjury; and that no Person who shall be prosecuted to Conviction for any Offence done or committed against this Act, shall be liable to be prosecuted for the same Offence under any other Law.

Application of Penalties.

XXXII. And be it also enacted, That all Penalties and Forfeitures by this Act inflicted, and the Application of which is not hereinbefore directed, shall, when recovered or paid, go and be disposed of in manner following; (that is to say), One Moiety thereof, where any Offender or Offenders shall be convicted, either by his, her or their Confession, or by the Oath or Affirmation of One or more credible Witness or Witnesses, shall go and be paid to the Person or Persons who shall inform against and prosecute to Conviction any such Offender or Offenders; and the other Moiety thereof, or in case there be no such Person informing, then the Whole thereof shall go and be paid to the Churchwardens and Overseers of the Poor of the Parish or Parishes, for the Use of the Poor in the Parish wherein such Offence shall be committed, in such manner as such Churchwardens and Overseers of the Poor shall in their Discretion think fit.

Proviso for Rights of London and Westminster, &c.

XXXIII. Provided always, and be it further enacted, That this Act, or any Thing herein contained, shall not extend or be construed to extend in any way to affect, lessen or infringe upon the Rights and Privileges of the City of *London*, or of the Worshipful Company of Bakers of the said City, or of the Wardmote Inquests of the said City, or of the City or Liberties of *Westminster* or Borough of *Southwark*; or any Right or Custom of any Lord or Lords of any Leets, or the Rights of any Clerk or Clerks of the Market, in any Place, which may be exercised and enjoyed by them or any of them, by virtue of any Charters, Bye Laws, Prescriptions, Usages, Customs, Privileges, Grants or Acts of Parliament; but that all such Rights and Privileges shall be held, exercised

cised and enjoyed by the Parties respectively entitled thereto, as fully and amply, to all Intents and Purposes, as the same were held, exercised and enjoyed before the passing of this Act; any Thing herein contained to the contrary notwithstanding.

Commencement of Act.

XXXIV. And be it further enacted, That this Act shall commence and take effect from and after the said Twenty ninth Day of *September* One thousand eight hundred and twenty two,

Public Act.

XXXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

Cap. cvii.

An Act for regulating the Office of Treasurer, and altering and amending the Acts now in force for assessing, collecting and levying of County Rates, so far as the same relate to the County of *Middlesex*. [22d *July* 1822.]

12 G.2. c.29. § 1.

'WHEREAS an Act of Parliament was passed in the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the more easy assessing, collecting and levying of County Rates*, whereby the Justices of the Peace, at their General or Quarter Sessions, were authorized and empowered from time to time to make One general Rate or Assessment for such Sum or Sums of Money as they in their Discretion should think sufficient to answer all and every the Purposes therein mentioned, instead and in lieu of the several, separate and distinct Rates directed by former Acts to be made, levied and collected, which Rate should be assessed upon every Town, Parish or Place, within the respective Limits of their Commissions, in such Proportions as any of the Rates theretofore made in pursuance of the said several Acts had been usually assessed, and the several and respective Sums so assessed upon each and every Town, Parish or Place, within the respective Limits of their Commissions should be collected by the High Constables of the respective Hundreds and Divisions, in which any Town, Parish or Place did lie, in such Manner and at such Times as was and is thereinafter directed: And Whereas an Act was passed in the Thirteenth Year of the Reign of His said Majesty King *George* the Second (amongst other Purposes,) for extending the Powers and Authorities of Justices of the Peace of Counties, touching County Rates, to the Justices of the Peace of such Liberties and Franchises as have Commissions of the Peace within themselves: And Whereas another Act was passed in the

37 G.3. c.65. § 1.

Thirty seventh Year of the Reign of His late Majesty King *George* the Third, for empowering the Justice of the Peace for the County of *Middlesex*, at their General or Quarter Sessions of the Peace, to make a fair and equal County Rate for the said

55 G.3. c.51.

County: And Whereas another Act was passed in the Fifty fifth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend an Act of His late Majesty King* George *the Second, for the more easy assessing, collecting and levying of County Rates*: And Whereas another Act was

56 G.3. c.49.

passed in the Fifty sixth Year of the Reign of His said late Ma-

'jesty

'jesty King *George* the Third, to explain and amend the said last 'mentioned Act: And Whereas another Act was passed in the 'Fifty seventh Year of the Reign of His said late Majesty King 57 G. 3. c. 94.
'*George* the Third, to amend the said last mentioned Act: And 'Whereas another Act was passed in the First and Second Years 1 & 2 G. 4. c. 85.
'of the Reign of his present Majesty, intituled *An Act to explain 'and amend several Acts relating to the assessing, levying and col-'lecting the County Rates:* And Whereas Abuses and Irregu-'larities have occurred in the Execution of the Office of Trea-'surer for the County of *Middlesex;* and it is expedient to make 'further Provision relative to the Appointment of such Treasurer, 'and the Security to be taken from him and his Sureties for the 'due Execution of his Office, and for preventing the Accumula-'tion of large Balances in the Hands of such Treasurer in future, 'and for duly auditing and publishing the Accounts of such Trea-'surer, and to make such further Provisions and Regulations 'touching the assessing, collecting and levying of the County 'Rates for the said County, and the Execution of the Office of 'Treasurer thereof, as are hereinafter mentioned:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, no Person who shall be or shall have been named in the Commission of the Peace for the said County of *Middlesex*, and shall have duly qualified for the Office of Justice of the Peace for the said County, shall be capable of being elected Treasurer of the said County: Provided always, that nothing herein contained shall extend or be construed to extend to remove the present Treasurer of the said County from his said Office, or to render him ineligible thereto, so long as the said Justices for the said County shall think proper to continue him therein; provided he shall, within Twelve Calendar Months from the passing of this Act, obtain his Removal from the Commission of the Peace for the said County.

No Person in the Commission of the Peace, (and duly qualified), to be elected County Treasurer, &c.

II. And be it further enacted, That every Person appointed or hereafter to be appointed Treasurer of the said County of *Middlesex*, before he shall do any Act in the Execution of his Office, shall, together with One or more Person or Persons to be approved as his Surety or Sureties by the Justices of the Peace assembled at some General Sessions, or General Quarter Sessions of the Peace for the said County, or the major Part of them, enter into One or more Bond or Bonds in Writing, under his and their Hands and Seals, to the Clerk of the Peace of the said County for the time being (who for that Purpose shall be and be deemed a Body Corporate), and to his Successors, in such Penalty or Penalties as the said Justices shall approve, to be conditioned for the due and faithful Execution of the Trusts reposed in such Treasurer so long as he shall be continued in that Office, and for the duly accounting by such Treasurer, his Executors and Administrators, for all such Rates, Assessments and other Monies, as shall come to the Hands of such Treasurer by virtue of his said Office, and for paying over the Balance that may be found to be due from him or them, on the taking of such Treasurer's Accounts, to such Person or Persons as the said Justices of the Peace in General Sessions, or

Treasurer to give Security by Bonds, with Sureties.

Bonds to be registered.

or General Quarter Sessions assembled, shall direct; and that a Memorial, containing a full Copy of every such Bond, and the Names, Descriptions and Additions of the Witness or Witnesses to the Execution of such Bond, and which Memorial shall be signed and sealed by the Obligor or Obligors in the Bond of which the same shall be a Memorial, shall, within Thirty Days next after the Date of such Bond be registered by the Clerk of the Peace of the said County, for the time being (the Expence whereof to be paid out of the County Rates), in the Office for the Registery of Deeds within the said County of *Middlesex*, which Registration shall take place and be made upon the Oath or Affirmation of the Witness, or One of the Witnesses to such Bond, to be sworn before the Registers or Masters of the said Office, or One of their Deputies, or before a Master in Chancery, Ordinary or Extraordinary, that he the Witness saw such Memorial signed and sealed, and the Bond to which it referred duly executed, and a Certificate of the same being so registered, shall be indorsed on the original of each and every such Bond, (for which Purpose the same shall be left at the said Registry Office, together with such Memorial as aforesaid), which Certificate shall specify the certain Day and Hour on which the same Bond shall have been so registered, and the particular Book in which such Memorial shall have been entered, and the Number of the Entry thereof in such Book, and shall be signed by One of the Masters or Registers of the said Office, or One of their Deputies.

Certificate of Registry.

Bonds to remain with Clerk of the Peace, and be produced at Sessions.

III. And be it further enacted, That the Original of every such Bond as aforesaid, (after the same shall be returned from the said Registry Office) shall remain in the Custody of the Clerk of the Peace for the said County for the time being, who shall at every General Quarter Sessions of the Peace to be holden in and for the said County, on the County Day of such Sessions, produce and lay such Bond or Bonds before the Justices of the Peace then and there assembled; and shall enter in the Order Book of the said General Quarter Sessions a Minute or Memorandum of the same having been so done; and if any such Bond shall appear to the said Justices (on the Oath of the Clerk of the Peace for the said County, or of some other Person or Persons competent to prove the same, which Oath the said Justices are hereby authorized to administer) to be lost or destroyed, then a Minute or Memorandum of such Loss or Destruction shall be entered in the said Order Book of the said General Quarter Sessions.

If lost, &c. a Minute made.

Copies from Registry of Bonds Evidence.

IV. And be it further enacted, That in any Action or Suit in any Court of Law or Equity, upon or relating to any such Bond as aforesaid, it shall be lawful for any Judge or Judges, Justices or others, to receive in Evidence the Memorial of such Bond, or the Entry thereof, in the Books of the aforesaid Registry Office (the Party offering such Memorial or Entry in Evidence first producing sufficient proof of the Entry of such Minute or Memorandum of the Loss or Destruction of the original Bond as aforesaid), as and for legal Proof of such Bond or Bonds having been signed, sealed and delivered by the Obligor or Obligors therein named, in like manner as if such Bond or Bonds had been produced, and the Execution thereof duly proved at the Trial or Hearing of such Action or Suit.

V. And

Treasurer acting without Bond having been given.

V. And be it further enacted, That every Person who shall act in the Execution of the said Office of Treasurer, by receiving any Sum or Sums of Money or otherwise, without such Bond or Bonds as aforesaid having been executed and registered as aforesaid, (save and except any Person acting in the said Office *pro tempore* under any Appointment from the Justices of the Peace for the said County, or any of them duly authorized to make such Appointment, and who shall, by such Appointment, be expressly authorized to act, without giving Security), shall, for every such acting forfeit and pay the Sum of One hundred Pounds, and also Double the Amount of any such Sum or Sums of Money as he shall have so received as aforesaid; such Penalty or Penalties to be recovered with full Costs of Suit by any Churchwarden or Churchwardens of any Parish in the said County, who shall be authorized to sue for the same by the Vestry of such Parish, or by the Overseer or Overseers of any Extraparochial Place in the said County, for the Use and Benefit of the Poor of such Parish or Place, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which no Essoin, Protection or Wager of Law, nor more than one Imparlance shall be allowed; and the Sum or Sums of Money recovered (the Costs excepted) shall be applied to the Use of the Poor of such Parish or Place accordingly.

Exception.

Penalty.

Treasurer to deliver in Accounts at every Quarter Sessions.

VI. And be it further enacted, That at every General Quarter Sessions of the Peace, to be holden in and for the said County of *Middlesex*, on the First Day of such Sessions on which the Justices shall assemble at the Session House for the said County, the Treasurer of the said County for the time being shall, and is hereby required to exhibit and deliver to the Justices of the Peace then and there assembled, true and exact Accounts of all and every the Sum and Sums of Money received by him under or by virtue of the then last preceding or any former Rate or Rates not accounted for, and of all and every Sum and Sums of Money paid out of the Monies so received or otherwise in the Execution of his said Office of Treasurer, up to the Day next preceding the First Day of the same Quarter Sessions inclusive; and that thereupon the said Justices or the major Part of them so assembled, shall appoint a Committee of Justices of the Peace of the said County, to audit the said Accounts and to examine the Vouchers in support thereof; which Committee of Justices so to be appointed as aforesaid, or Three of them at the least, shall forthwith proceed to audit and examine the same Accounts and Vouchers; and having so done, they or Three of them, shall make a Report in Writing, to be subscribed with their Names and Handwriting, of the Result of their Examination to the said Justices at the same General Quarter Sessions of the Peace or some Adjournment thereof; at which Sessions or Adjournment the said Justices or the greater Part of them then and there assembled, (having first audited and allowed the said Accounts), shall proceed to make a General Quarterly Rate or Assessment upon the said County, as hereinafter mentioned; and thereupon the Treasurer of the said County shall, within Seven Days from the Time of making such Rate, transmit to the Churchwardens and Overseers of the Poor of every Parish and Extraparochial Place in the said County, a Copy of the Order for making such Rate or Assessment for the Information of the Inhabitants

Committee of Justices at Quarter Sessions to Audit Accounts.

Report.

Copies of Orders for making Rate transmitted to Parishes.

of such respective Parishes and Extraparochial Places, and shall cause a like Copy to be stuck upon the Door of the Sessions House for the said County within Forty eight Hours after the making of such Rate.

Within 14 Days after Allowance of Accounts, Treasurer to transmit Copies thereof to Parish Officers.

VII. And be it further enacted, That within Fourteen Days after the Allowance of every such Account by the said Justices as aforesaid, the Treasurer of the said County for the time being shall transmit a full Copy of the same Account, with the Names of the Justices who shall have audited and reported on the same subjoined thereto, together with a true Copy of the Order for allowing the said Account, attested by the Clerk of the Peace or his Deputy, to the Churchwardens or Overseers of the Poor of every Parish, or Extraparochial Place in the said County, contributing to the County Rates, for the Information of the Inhabitants of such respective Parishes and Extraparochial Places; and the said Treasurer of the said County for the time being shall, and he is hereby further required, within Ten Days from and immediately after the Time of such Allowance as aforesaid, to publish in Three of the Daily *London* Newspapers circulating in the said County, a true and accurate Abstract of such Accounts under their several Heads, with the Names of the Justices who shall have audited the said Accounts subjoined thereto, under a Penalty of Fifty Pounds for every Omission of such Publication, to be levied and recovered in such manner as by the said Act made in the Fifty fifth Year of the Reign of His said late Majesty King *George* the Third is directed, with respect to Penalties for Offences committed contrary to the Provisions of that Act; the Expence of which Copies, and of advertising the same as aforesaid, shall and may be defrayed out of the County Rate.

Penalty, 50l.

Treasurer making Default removed from his Office.

VIII. And be it further enacted, That if it shall appear to the Justices of the Peace assembled at any General Sessions, or General Quarter Sessions of the Peace, or any Adjournment thereof, or the Majority of them, by any such Quarterly Account as aforesaid, that the Treasurer of the said County hath received any Sum or Sums of Money, and not duly accounted for the same to the Amount of Five hundred Pounds or upwards, the said Justices shall and are hereby required forthwith to remove such Treasurer from his said Office, and to appoint some other Person in his Place or Stead; and also to direct the Clerk of the Peace for the said County to put in Suit against such defaulting Treasurer, and his Surety or Sureties, and his and their Heirs, Executors and Administrators, or any of them, or any other Person or Persons liable thereto, the Bond or Bonds to be executed by him or them as hereinbefore directed, for the Purpose of recovering the Monies which shall have been received and not duly accounted for by such Treasurer as aforesaid.

Justices to make a County Rate at every Quarter Sessions.

IX. And be it further enacted, That it shall be lawful for the Justices of the Peace for the said County of *Middlesex*, assembled at their General Quarter Sessions of the Peace, or some Adjournment thereof, or the major Part of them so assembled, and they are hereby required, after the Accounts of the Treasurer of the said County shall have been audited and allowed as hereinbefore mentioned, to make a County Rate at each and every such Quarter Sessions for the Quarter of the Year then next ensuing, (to be computed

puted from the County Day in every such Quarter Sessions until the County Day in the Quarter Sessions then next ensuing); every such Rate to be made in the same manner as the Half yearly Rates for the said County have been heretofore made: Provided always, that it shall not be necessary for the said Justices to require new Returns of the Rental or Value of Estates within the several Parishes, Towns, Liberties, Precincts, Villages, Hamlets and Places within the said County, previous to making any such Quarterly Rate; but it shall be lawful for them to make any such Rate or Rates upon any previous Returns, so that such Returns be not made less frequently, or in any other manner than is now required by Law.

Returns of Rentals not to be required oftener than at present.

X. Provided always, and be it further enacted, That in case, at the Time of making any such Quarterly Rate or Rates as aforesaid, it shall not be made appear to the said Justices that Three fourths or more of the Monies actually received by the Treasurer for the said County for the time being, on account of the last preceding Rate, have been actually and duly expended, then and in such case, and so often as the same shall happen, the Order for making any new Rate shall contain a Proviso or Direction, that no Monies shall be collected or paid as hereinbefore mentioned, on Account of such new Rate, until Three fourths of the Monies so received as aforesaid, on Account of the preceding Rate, shall have been actually expended as aforesaid, and the said High Constable shall have been authorized as next hereinafter mentioned, to require Payment of the Monies due on such new Rate: Provided nevertheless, that in case it shall happen that Three fourths of the Money so actually received on account of a preceding Rate as aforesaid shall have been expended and exhausted in the Interval between any Two General Quarter Sessions of the Peace, then and in such case, and so often as the same shall happen, it shall be lawful for the Justices of the Peace for the said County, at any Adjournment of such Sessions, or at any General Sessions of the Peace, or Adjournment thereof, on Production before them of the Order made at the then last preceding General Quarter Sessions of the Peace, for the making of a new Rate with such Proviso or Restriction as hereinbefore mentioned, and on the Oath of the Treasurer for the said County for the time being, (which Oath the said Justices are hereby authorized to administer,) that Three fourths or more of the Monies actually received as aforesaid have been then duly paid and expended, to make an Order for authorizing the Payment and Receipt of the Rate so made as last aforesaid; and thereupon it shall be lawful for the High Constables receiving such Order to issue their Warrants to all Churchwardens, Overseers and other Persons, who shall or may be liable in that behalf, demanding Payment of the same, and which shall be accordingly paid in like manner as if no such Proviso or Restriction as aforesaid had been contained in the Order for making such Rate or Rates.

Proviso to be inserted in new Rate when Three fourths of Money collected by virtue of preceding Rate have not been expended.

Order for Payment of Money on such Rate, when Three fourths of Money collected by virtue of preceding Rate have been expended between Two General Quarter Sessions.

XI. And be it further enacted, That in case the Treasurer of the said County for the time being shall die, or become Bankrupt or Insolvent, and at the Time of such Death, Bankruptcy or Insolvency, any Balance shall appear to be due from such Treasurer, or his Estate, or any Sums of Money shall be unaccounted for by him,

In case of Death, Bankruptcy or Insolvency of Treasurer, Justices may make new Rates.

him, which shall not be immediately recoverable, then, and in any or either of the said cases, and so often as the same shall happen, it shall be lawful for the said Justices, at the next General Sessions, or General Quarter Sessions of the Peace for the said County, if they shall find it expedient to make a new Rate or Rates for making good such Balance or Sums of Money unaccounted for, notwithstanding Three fourths of the then preceding Rate may not have been expended, independent of such Balance or Sums unaccounted for as the case may be, any thing contained in the said recited Acts, or in this Act to the contrary in any wise notwithstanding: Provided always, that a separate and distinct Rate shall be made for each or any of the Purposes last mentioned; and the same shall not be included in any General Quarterly Rate to be made as aforesaid; and the Cause of making such Special Rate shall be specified in the Order for making the same: Provided also, that after any such Special Rate as last mentioned shall have been made and raised, all and every such Sum and Sums of Money as shall be recovered from the Treasurer making such Default as aforesaid, or his Assignees, or his Heirs, Executors or Administrators, or his Surety or Sureties, his or their Heirs, Executors or Administrators, shall be paid to the next succeeding Treasurer of the said County as Part of the County Stock.

Cause of making Special Rate to be specified in Order for the same.

Monies paid on Account of Rate quashed, deemed a Payment of Rate, made on the 18th April 1822.

'XII. And Whereas a County Rate, made by the Justices of the 'Peace for the said County of *Middlesex*, on or about the Tenth 'Day of *January* One thousand eight hundred and twenty two, 'was, at the General Quarter Sessions of the Peace, holden by Ad-'journment on or about the Eighteenth Day of *April* One thousand 'eight hundred and twenty two, quashed on the Ground that it 'did not sufficiently appear that Three fourths of the Monies, re-'ceived on account of the last preceding Rate, had been expended 'previous to the making of such Rate: And Whereas some Payment 'or Payments may have been made on Account of the Rate so 'quashed: And Whereas on or about the same Eighteenth Day 'of *April* One thousand eight hundred and twenty two, another 'Rate was made for the County in lieu of the Rate so quashed as 'aforesaid, but Doubts are entertained whether such new Rate 'is not also illegal on the Ground above stated;' Be it therefore enacted, That all and every Payment and Payments which, before the passing of this Act, hath or have been made on account of the Rate so quashed as aforesaid, shall be taken and accepted as a Payment or Payments on account of the Rate made on the Eighteenth Day of *April* One thousand eight hundred and twenty two aforesaid.

Rate to be valid.

XIII. And be it further enacted, That the said last mentioned Rate shall be and be deemed to be as good and valid as if Three fourths of the Monies collected or received on account of the last preceding Rate had been duly expended previous to the making thereof, (subject nevertheless and without Prejudice to any Appeal or Appeals already made or hereafter to be made against any Part or Parts of the same, on the Ground of any Inequality in the Assessments of any Parishes or Places specified or comprized therein.)

Churchwardens, &c. may appoint

XIV. And be it further enacted, That it shall be lawful for the Churchwardens and Overseers of the Poor of every Parish or

Extraparochial Place within the said County, from time to time, by any Writing or Writings under his or their Hand or Hands respectively, to appoint any One or Two Persons to inspect the Accounts of the Treasurer of the said County, and the Vouchers for the same, in which case any Two Justices of the Peace for the said County shall, and are hereby authorized, if they shall think fit, to make an Order that the Person or Persons so to be appointed shall have full and free Access to such Accounts and Vouchers, and all Papers connected therewith, at all seasonable Times; which Order the said Treasurer and the Clerk of the Peace for the said County, and all other Persons concerned or interested are hereby required to obey; and every Person disobeying such Order shall for every such Act of Disobedience incur a Penalty of Fifty Pounds, to be levied and recovered in such manner as, by the said Act of the Fifty fifth Year of the Reign of His late Majesty King *George* the Third is directed with respect to Penalties for Offences committed contrary to the Provisions of that Act.

Persons (under Order of Justice) to inspect Accounts, &c.

Penalty, 50l. levied as by 55 G.3. c.51.

XV. And be it further enacted, That it shall be lawful for any such Churchwarden or Churchwardens, Overseer or Overseers as aforesaid, or any other Person or Party who shall be liable to the Payment of any such Rate or Rates as aforesaid, to ask and demand of and from the Clerk of the Peace for the said County or his Deputy, a Copy or Copies, Extract or Extracts of or from any Order or Orders for making any County Rate or Rates, or for any Payments or Allowances out of Monies arising from any County Rate or Rates, and also any Copy or Copies, Extract or Extracts of or from any Account or Accounts of the Treasurer of the said County, or any Voucher or Vouchers belonging to any such Account or Accounts; for which Copies or Extracts the said Clerk of the Peace shall be allowed to charge the Sum of One Shilling if the same shall not contain more than One hundred Words; and if the same shall contain more than One hundred Words, then at and after the Rate of One Shilling for the first One hundred Words contained therein, and for every subsequent One hundred Words, and so in proportion for every Number of Words (more or less) than One hundred after the first One hundred Words, and no more; and if the Clerk of the Peace or his Deputy shall, for Ten Days next after he shall be so asked or required, refuse or neglect to give such Copy or Copies, Extract or Extracts as aforesaid, to any Churchwarden or Churchwardens, Overseer or Overseers, who shall so ask or demand the same, and who shall, at the Time of such Demand, offer to pay the Charges of such Copy or Copies, Extract or Extracts as hereinbefore directed, he or they shall for every such Refusal or Neglect be liable to the Penalty of Twenty Pounds, to be levied and recovered in such manner as by the said Act of the Fifty fifth Year of the Reign of His late Majesty King *George* the Third is directed with respect to Penalties for Offences committed contrary to the Provisions of that Act.

Churchwardens, &c. may demand Copies of Rates and Accounts.

Allowance to Clerk of the Peace for Copies and Extracts.

Penalty, 20l.

XVI. And be it further enacted, That if the Churchwarden or Churchwardens, Overseer or Overseers of the Poor, or other Inhabitant or Inhabitants of any Parish, Township or Place, whether Parochial or otherwise, where there is no Churchwarden or Overseer, or Person appointed to act as such, shall at any Time have reason to think that such Parish, Township or Place is aggrieved

Appeal against Rates.

or injured by any Rate or Rates to be made under or by virtue of either of the said recited Acts, or of this Act, on the Ground of any Account of the said Treasurer, or any Part or Parts of any such Account, not having been audited, or having been unduly or improperly audited or allowed, or of such Abstract as aforesaid not having been published as hereinbefore directed, or on the Ground of Three fourths of any former Rate or Rates not having been duly expended previously to the making of any new Rate or Rates, or any other just or reasonable Objection to such Rate or Rates, then and in such case and so often as the same shall happen, it shall be lawful for such Churchwarden, Overseer or other Inhabitant as aforesaid, who shall so think himself or themselves, or the Parish, Township or Place, in respect of which he or they shall be interested or concerned, aggrieved or injured as aforesaid, to appeal against any such Rate or Rates to the next General Sessions or General Quarter Sessions of the Peace for the said County, provided the County Day of such Sessions shall not fall or happen within Fourteen clear Days next after the Expiration of One Calendar Month from and after the Receipt by such Churchwardens or Overseers of the Poor of the before mentioned Copy of the Order for making such Rate; but if the same County Day shall so fall or happen, then to the General Sessions or General Quarter Sessions then next succeeding, such Churchwarden or Overseer, or other Inhabitant as aforesaid, giving Ten clear Days' Notice in Writing of his or their Intention so to appeal previous to the County Day of such Sessions or succeeding Sessions, as the case may be, to the Clerk of the Peace and the Treasurer for the said County for the time being, by leaving the same at their respective Offices; and the Justices of the Peace shall at such Sessions or succeeding Sessions, or at some subsequent Sessions to which they may think proper to adjourn such Appeal, hear and determine the Causes and Matters thereof, and quash, alter or amend the Rate appealed against, or give such other Relief in the Premises as to them shall seem just and proper: Provided always, that the Payment of any Rate or Assessment shall not be suspended or delayed in consequence of any such Notice of Appeal, or while such Appeal may be depending, but the same and every Part thereof shall and may be demanded, collected and recovered, in such and the same manner as if no such Notice of Appeal had been given.

According as Quarter Sessions shall be held.

Notice.

Payment of Rate not suspended by Appeal.

Rate not quashed for want of Form.

XVII. Provided also, That no Rate or Rates, Assessment or Assessments, Order or Orders, or other Proceedings whatsoever under this Act or the said recited Acts, shall be vacated or quashed for want of Form; but that any Rate or Assessment, or any Matters of Form in any Order or Proceeding may be amended as the Justices at any such General Sessions or General Quarter Sessions of the Peace may order and direct.

Expence of Appeals.

XVIII. And be it further enacted, That in case of any Appeals respecting any Thing done in pursuance of this Act, or any other Act or Acts relating to the County Rate, the Expences of all such Appeals shall be borne and paid by such respective Parishes, Townships, Places and Persons, or such of them, and in such Proportions as the said Justices shall upon any Appeal in their General Sessions or General Quarter Sessions award and order, and shall not be charged to or be paid out of the County Rate.

XIX. And

XIX. And be it further enacted, That the Costs and Expences of preparing, obtaining and passing this Act, and all other Charges incident or relating thereto, shall be paid by the Treasurer of the said County of *Middlesex* out of the First Monies which shall be in his Hands on account of the County Rates. Expences of Act paid out of County Rates.

XX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded. Public Act.

Cap. cviii.

An Act for more effectually repairing the Road leading from the City of *Cork* to the Town of *Skibbereen* in the County of *Cork*, and a Branch therefrom communicating with the Town of *Kinsale* in the said County. (*b*) [22d *July* 1822.]

[*New Trustees.*]

Cap. cix.

An Act for removing the Waterworks at *London* Bridge. [26th *July* 1822.]

'WHEREAS by an Indenture bearing Date the Thirtieth Day of *May*, in the Twenty third Year of the Reign of Her Majesty Queen *Elizabeth*, and made or expressed to be made between the Right Honourable Sir *John Braunche* Knight, Lord Mayor of the City of *London*, and the Commonalty and Citizens of the said City, of the One Part, and *Peter Morrys* of the other Part; and an Indenture bearing Date the Twenty fourth Day of *December*, in the Twenty fifth Year of the Reign of Her said Majesty Queen *Elizabeth*, and made or expressed to be made between the Right Honourable *Thomas Blanche* Lord Mayor of the said City of *London*, and the Commonalty and Citizens of the same City, of the One Part, and the said *Peter Morrys* of the other Part; and an Indenture bearing Date the Twenty fourth Day of *November* One thousand seven hundred and one, and made or expressed to be made between the Mayor and Commonalty and Citizens of the said City of *London* of the One Part, and *Thomas Morrys* Administrator of his Grandfather the said *Peter Morrys*, of the other Part; the said Mayor and Commonalty and Citizens granted Licences to erect certain Engines in the River *Thames*, at *London* Bridge, and to lay down Pipes for supplying the Inhabitants of *London* with Water, for Terms, of which Two hundred and sixty Years, or thereabouts, are now unexpired: And Whereas certain Persons entered into a Copartnership, for carrying on the said Waterworks, under the Firm or Style of "Proprietors of the *London* Bridge Waterworks;" and by virtue of an Indenture or Deed of Regulations, bearing Date the Twenty ninth Day of *June* One thousand seven hundred and three, the Property of the said Copartnership was divided into Three hundred Shares, and the Management, Controul and Direction of the same, and the Business thereof, were vested in Nine Persons, Proprietors of the said Works, to be appointed as therein is mentioned, and called "A Committee of Assistants," Indenture, 30th May. 23 Eliz. Indenture, 24th Dec. 25 Eliz. Indenture, 24th Nov. 1701. Indenture, 29th June 1703. Copartnership for carrying on the said Waterworks.

Licenees for erecting Engines in the River.

' or the major Part of them: And Whereas Two further Licences ' to erect Engines in the said River, at the said Bridge, for sup- ' plying the Inhabitants of *London* and *Southwark* with Water, have ' been granted to certain of the Proprietors of the said Water- ' works, for Terms of which Two hundred and sixty Years are ' now unexpired, by certain Indentures, One of them bearing ' Date the Fifth Day of *August* One thousand seven hundred and ' sixty one, and made or expressed to be made between the said ' Mayor and Commonalty and Citizens of the One Part, and ' *Thomas Strode*, *John Anthony Merle*, *Abraham Atkins* and *Bibye* ' *Lake*, Esquires, for and on Behalf of themselves and the Rest of ' the Proprietors of the *London* Bridge Waterworks, of the other ' Part; and the other of them bearing Date the Eighth Day of ' *July* One thousand seven hundred and sixty seven, and made or ' expressed to be made between the said Mayor and Commonalty ' and Citizens, of the One Part, and the said *John Anthony Merle*, ' *Abraham Atkins* and *Bibye Lake*, for and on Behalf of them- ' selves and the Rest of the Proprietors of the *London* Bridge

Purchases of Grounds, &c. for the purposes of the said Copartnership.

' Waterworks, of the other Part: And Whereas the said Proprie- ' tors of the *London* Bridge Waterworks have, from time to time, ' purchased and obtained, for the Purposes of their said Copart- ' nership, certain Messuages, Ground, Buildings, Tenements and ' Hereditaments: And Whereas the Proprietors of the said Water-

Present Proprietors.

' works who now form the Committee of Assistants, under or in ' pursuance of the said Indenture or Deed of Regulations, are ' *Richard Clarke* Esquire, *William Child* Esquire, *Joseph Bradney* ' Esquire, *William Willis* Esquire, *David King* Esquire, *George* ' *Scholey* Esquire, an Alderman of the said City of *London*, *Thomas* ' *Poynder* Esquire, *William Wix* Esquire, and Sir *Francis Moly-* ' *neux Ommanney* Knight; and *Richard Percival* Esquire is now ' the Treasurer of the said Proprietors of the said Waterworks: ' And Whereas each and every of the said Three hundred Shares ' of and in the said Copartnership hath been divided into Five ' Shares, so that the Property of the said Copartnership now con-

29 G. 2. c. 40. § 21.

' sists of One thousand five hundred Shares: And Whereas by an ' Act passed in the Twenty ninth Year of the Reign of King ' *George* the Second, intituled *An Act to improve, widen and en-* ' *large the Passage over and through* London *Bridge*, it was pro- ' vided, that nothing in that Act contained should extend, or be ' construed, deemed or taken to extend, to empower the Mayor, ' Aldermen and Commons of the City of *London*, in Common Coun- ' cil assembled, to remove or alter any of the Arches under the ' said Bridge, or any Engines fixed up therein, which then be- ' longed to the Proprietors of the *London* Bridge Waterworks, ' or to take away any Right which the said Proprietors of the said ' *London* Bridge Waterworks then had, to the Use or Enjoyment ' of any of the Arches of the said Bridge, by Grant or Lease from ' the Mayor and Commonalty and Citizens of *London*, for raising

§ 23.

' Water therefrom; and it was thereby enacted, that if it should be ' found necessary to take down or alter any of the Piers of the ' said Bridge, in order to enlarge any of the Arches thereof, and ' thereby the raising of Water by the said Works should be pre- ' judiced, that then and in every such case the said Mayor, Alder- ' men and Commons of the said City, in Common Council as-

' sembled,

'sembled, should, and they were thereby required, on Complaint 'and Proof of such Damage, to stop or pen up, or cause to be 'stopped or pent up, a like Body of Water as should be discharged 'by the taking down or altering any of the said Piers, for the Use 'of the Proprietors of the said Waterworks: And Whereas by vir-'tue of the Powers of the said Act, Two of the Arches or Water-'ways of the said Bridge were converted into One, by making the 'present large Arch near the Centre thereof: And Whereas, in 'order to give force to the said Waterworks, several of the Arches 'or Waterways under the said Bridge have since been partially 'dammed or stopped up, in pursuance of the said Act, and addi-'tional Wheels and other Machinery have been since erected, ex-'tending further into the River from both Shores, on the West 'Side of the said Bridge: And Whereas the great Fall of Water 'occasioned by the said Waterworks and Obstructions renders the 'Navigation through the Bridge, at particular times of the Tide, 'dangerous and destructive to the Lives and Property of His Ma-'jesty's Subjects: And Whereas it is necessary that the said 'Waterworks and Obstructions should be removed from the said 'River; but it is expedient that the Public should not be deprived 'of the Supply of Water which is now afforded by the said Water-'works: And Whereas by Letters Patent of His Majesty King Letters patent, 21st June. 17 *Jac.* 1. '*James* the First, bearing Date the Twenty first Day of *June*, in 'the Seventeenth Year of the Reign of His said Majesty, after 'reciting (amongst other things) that *Hugh Middleton* (afterwards 'Sir *Hugh Middleton*), with the Aid of other Adventurers, had 'brought a fresh Stream of running Water from the Springs of '*Chadwell* and *Amwell* in the County of *Hertford* to the City of '*London* and the Suburbs thereof, it was granted, ordained and 'appointed, that the said Sir *Hugh Middleton* and the Twenty 'eight other Persons therein named, and all and every Person or 'Persons who thereafter should be elected and chosen into the 'Place of them, or any of them who should die or be removed, 'thereafter should be One Body Corporate and Politic, by the 'Name of "The Governor and Company of the *New River* brought 'from *Chadwell* and *Amwell* to *London*," and that by the same 'Name they should have perpetual Succession: And Whereas 'for the Purpose of obtaining the Removal of the said Waterworks 'and Obstructions, and procuring the Continuation of a Supply 'of Water to the Inhabitants of the Places who are at present 'supplied with Water from the said Waterworks, the Mayor and 'Commonalty and Citizens of the City of *London*, and the said 'Committee of Assistants of the Proprietors of the said *London* 'Bridge Waterworks, and the Governor and Company of the *New* '*River*, are willing and desirous of effecting an Arrangement, 'whereby all the hereinbefore mentioned Licences for erecting 'Engines on the said River may become void, and all the Mes-'suages, Buildings, Ground, Tenements and Hereditaments of the 'Proprietors of the said Waterworks, and all the Wheels, Pipes, 'Engines, Apparatus and Stores, and all the Water Rents payable 'to them from and after the Twenty fourth Day of *June* now last 'past, should be absolutely vested in the said Governor and Com-'pany of the *New River*, who should be empowered to raise 'Water, by Means of Steam Engines, from the said River

'*Thames*;

'*Thames*; and that in Part Compensation to the said Proprietors 'of the said Waterworks, the said Governor and Company of the '*New River* should secure to them certain Annuities or yearly 'Sums during the Term of Two hundred and sixty Years, being 'the Residue remaining unexpired of the Terms of Years for 'which the aforesaid Licences were granted; and should also se-'cure certain Life Annuities, by way of Pensions, now payable 'to certain Servants of the said Proprietors, or the Relatives of 'such Servants; and that to provide further Compensation to the 'said Proprietors, the said Mayor and Commonalty and Citizens 'should be empowered to raise and pay them the Sum of Ten 'thousand Pounds, together with Interest (if any) as hereinafter is 'mentioned: And Whereas, with a View of improving the present 'Approaches to *London* Bridge, or any new Bridge which may 'be erected near the Site thereof, it is expedient that the said 'Mayor and Commonalty and Citizens should be empowered to 'purchase from the said Governor and Company of the *New River*, 'such of the Estates of the said Proprietors of the *London* Bridge 'Waterworks as are situate near the said present *London* Bridge, 'to the Eastward of the Hall of the Fishmongers' Company: And 'Whereas the said Mayor and Commonalty and Citizens are pos-'sessed of a considerable Sum of Money, arising from the Estates 'vested in them as Trustees for the Repairs and Support of *Lon-'don* Bridge: And Whereas, if the said Mayor and Commonalty 'and Citizens be empowered, out of the Monies of which they 'are possessed as Trustees as aforesaid, to raise a Sum of Money 'not exceeding Fifteen thousand Pounds, to enable them to pay 'the said Sum of Ten thousand Pounds to the said Proprietors of 'the *London* Bridge Waterworks, and to purchase the said Estates 'from the said Governor and Company of the *New River*, and to 'defray the Expences of this Act, the same may be repaid with 'Interest out of such Fund as may hereafter be raised by Autho-'rity of Parliament for improving or making Approaches to the 'said present Bridge, or any new Bridge, or for the Improvement 'of the Navigation of the said River:' May it therefore please Your Majesty that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

29 G. 2. c. 40. so far as relates to the Waterworks, repealed.

That from and after the Payment of the Sum of Ten thousand Pounds to the Proprietors of the *London* Bridge Waterworks, as hereinafter is mentioned, so much of the said recited Act of the Twenty ninth Year of the Reign of King *George* the Second, as obliges the Water to be stopped or pent up at the said Bridge to give effect to the said Waterworks, and as prevents the Mayor, Aldermen and Commons of the City of *London*, in Common Council assembled, from removing or causing to be removed the Wheels, Machinery and Works belonging to the said Proprietors of the said Waterworks, or removing or altering any of the Arches of the said Bridge, shall be and the same is hereby repealed.

15,000l. of the Bridge House Fund applied

II. And be it further enacted, That it shall be lawful for the said Mayor and Commonalty and Citizens of the City of *London*, and they are hereby authorized and empowered to raise and apply, by and out of the Monies of which they are possessed as Trustees as afore-

aforesaid, any Sum or Sums of Money not exceeding the Sum of Fifteen thousand Pounds, for the Purposes of this Act, and that the Sum of Ten thousand Pounds Part thereof shall be paid to the said *Richard Percival*, or other the Treasurer for the time being of the said Proprietors of the *London* Bridge Waterworks, together with (in case the said Sum of Ten thousand Pounds shall not be paid within Fourteen Days next after the passing of this Act) Interest for the same in the meantime at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Expiration of the said Fourteen Days.

for Purposes of Act, of which 10,000l. to be paid to Proprietors of Waterworks.

III. And be it further enacted, That it shall be lawful for the Mayor, Aldermen and Commons of the City of *London*, in Common Council assembled, and they are hereby empowered, in the Name of the said Mayor and Commonalty and Citizens of the City of *London*, to agree with the said Governor and Company of the *New River* for the Purchase of the Houses, Buildings, Ground, Tenements and Hereditaments in the City of *London*, to be conveyed and assigned by the Committee of Assistants of the said Proprietors of the *London* Bridge Waterworks, as hereinafter is mentioned, which are situate to the eastward of Fishmongers' Hall, and to pay any Part of the Monies to be raised and applied for the Purposes of this Act, not exceeding the Sum of Three thousand Pounds, for the Purchase thereof, and to accept and take a Conveyance thereof from the said Governor and Company of the *New River* (who are hereby empowered to sell and convey the same,) notwithstanding the Statutes of Mortmain, or any other Law or Statute to the contrary.

Corporation empowered to purchase the Estates eastward of Fishmongers' Hall from the New River Company for not exceeding 3,000l.

IV. And be it further enacted, that the Costs and Expences of obtaining and passing this Act shall be defrayed by and out of the Monies authorized to be raised and applied for the Purposes of this Act.

Expences of Act how paid.

V. And be it further enacted, That the Sums of Money to be raised and applied for the Purposes of this Act shall be repaid to the said Mayor and Commonalty and Citizens, as Trustees as aforesaid, with Interest for the same in the meantime after the Rate of Five Pounds *per Centum per Annum*, to be computed from the Time of Payment thereof respectively, by and out of any Fund which may hereafter be raised by Authority of Parliament for improving or making Approaches to the said present *London* Bridge, or any new Bridge to be erected in the Stead thereof, or for the Improvement of the Navigation of the said River.

Money raised repaid to Bridge House Funds, with Interest.

VI. And be it further enacted, That upon Payment of the Sum of Ten thousand Pounds, and Interest (if any) as aforesaid, to the said *Richard Percival*, or other the Treasurer for the time being of the said Proprietors of the *London* Bridge Waterworks, all the Licences granted as aforesaid for erecting or maintaining Engines or other Obstructions or Works in or upon the said River at the said Bridge, shall be absolutely null and void; and that the Receipt in Writing of the said Treasurer shall be an effectual Discharge to the said Mayor and Commonalty and Citizens for the said Sum of Ten thousand Pounds, and Interest (if any) as aforesaid, and that they shall not afterwards be answerable or accountable for the Misapplication or Nonapplication, or be in any wise obliged or concerned to see to the Application thereof.

Upon Payment of the 10,000l. the Licences for erecting Works at Bridge to be void.

VII. And

Committee of Assistants on Behalf of all the Proprietors to complete the Arrangement with the New River Company.

VII. And be it further enacted, That the said Nine Proprietors of the *London* Bridge Waterworks, who now form the said Committee of Assistants, or the major Part of them, or the Survivors of them, shall and may and they are hereby authorized and empowered, not only for and on Behalf of themselves, but also for and on the Behalf of all other the Proprietors of the said *London* Bridge Waterworks, and notwithstanding some of them may be Trustees, Infants, Issue unborn, Femes Covert, beyond the Seas, Lunatics, Idiots or under other Disability or Incapacity, or Disabilities or Incapacities, to treat for, sell, convey and assign all the Messuages, Buildings, Ground, Tenements and Hereditaments (subject to the Rents and other Charges payable in respect of the same,) and all the Wheels, Machinery, Engines, Pipes, Apparatus and Stores, Rents or Dues arising or to arise for or in respect of the supplying of Water from and after the Twenty fourth Day of *June* One thousand eight hundred and twenty two, and all other the Property of the said Proprietors of the *London* Bridge Waterworks, except the Licences so to be annulled or made void as aforesaid, to the said Governor and Company of the said *New River*, for such Consideration or Equivalent to be paid or secured to be paid to the Proprietors of Shares in the said Waterworks by way of Annuities, or otherwise, or other Compensations, under such Conditions, Restrictions and Regulations as they the said Committee, or the major Part of them, or of the Survivors of them, shall think proper and advantageous to the said Proprietors, and to execute any Deed or Deeds for carrying any such Arrangement into effect which shall be binding and conclusive on all the said Proprietors, whether under any Incapacity or Disability or not, their respective Heirs, Executors, Administrators and Assigns.

New River Company to receive Water Rents, and defray Expences from 24th June 1822.

VIII. And be it further enacted, That if such Arrangement as aforesaid shall be effected, it shall and may be lawful to and for the said Governor and Company of the *New River* to receive and take all the said Rents or Dues in respect of Water supplied by the said *London* Bridge Waterworks, from the said Twenty fourth Day of *June* One thousand eight hundred and twenty two, they the said Governor and Company paying and discharging all the Expences of supplying the Water, and conducting the said Concern, from such Twenty fourth Day of *June* until the Discontinuance of the said Concern on the Completion of the said intended Arrangement, and the said Proprietors collecting and receiving for their own Use all Arrears of Rents accrued due before the said Twenty fourth Day of *June*.

New River Company to pay Annuities out of their net Water Rents.

IX. And be it further enacted, That if in effecting such Arrangement as aforesaid, the said Governor and Company of the said *New River* shall covenant and agree to pay a Compensation by way of Annuities to the said Proprietors of the *London* Bridge Waterworks, their Executors, Administrators or Assigns, it shall be lawful for the said Governor and Company of the *New River*, by a Deed under their Common Seal, such Deed to be duly enrolled in Chancery, to agree to pay out of the net Water Rents of the said Governor and Company of the *New River*, such Annuities for such Term or Terms of Years, Life or Lives, and at such Times and in such Manner as shall be agreed upon, before any Dividend is made to the Proprietors of the *New River*; and in case of Non-

payment

payment of such Annuities, or any of them, it shall be lawful for the said several Persons to whom the same respectively shall be agreed to be paid, their respective Executors, Administrators and Assigns, to recover the Arrears of the said Annuities so payable to them respectively, together with his or their Costs of Suit, in an Action of Debt for Money had and received against the said Governor and Company of the *New River*, in any of His Majesty's Courts of Record at *Westminster*, notwithstanding the Existence of the said Deed, and the Remedy upon the Covenant, or any other Remedy thereby to be given, in which Action the net Water Rents of the said Governor and Company shall be presumed to be sufficient for Payment of the said Arrears, unless the contrary be specially pleaded; and in case of such Plea it shall be lawful for the Court in which such Action is brought, or any Judge thereof, if they or he shall think fit, to make a Rule or Order for the Plaintiff or Plaintiffs in any such Action, or his or their Attorney, to inspect all and every the Books of Account and other Documents of the said Governor and Company of the *New River*, in order to ascertain the net Amount of the Water Rents by them received, out of which the said Sums of Money shall be so payable as aforesaid.

Nonpayment.

Proceedings.

X. And be it further enacted, that in case the said Governor and Company of the *New River* shall agree to pay any Annuities to the said Proprietors of the said *London* Bridge Waterworks, during any Term or Terms of Years, then, for the better Security of the said Governor and Company of the *New River*, and in order to prevent Disputes with respect to the Title to the said Annuities, the said Governor and Company shall, as soon as conveniently may be, cause the Names and Additions of the several Persons to whom such Annuities respectively shall be agreed to be paid, together with a Number distinguishing each and every Annuity, to be fairly and distinctly entered in a Book to be kept by a Clerk to the said Governor and Company; and that it shall and may be lawful for the said several Persons in such Book named, their Executors, Administrators and Assigns, to sell and dispose of their respective Annuities, by an Instrument in Writing in the Form or to the Effect following:

Annuities to be entered in a Book.

'I in consideration of paid to me by do hereby bargain, sell, assign and transfer unto the said his Executors, Administrators and Assigns, [*One or more as the case may be,*] Annuities of payable by the Governor and Company of the *New River* to the late Proprietors of the *London* Bridge Waterworks, under and by virtue of an Arrangement made pursuant to the Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the Removal of the Waterworks at* London *Bridge*: As witness my Hand, the Day of '

Form of Transfer of Annuities.

And such Instrument, after being executed in the presence of a Witness, shall be shewn and produced to the Clerk of the said Governor and Company at the *New River* Office personally by the Proprietor who executed the Transfer, or shall be transmitted to the

Tranfers to be registered.

the said Clerk, together with an Affidavit by such Witness of the Identity of the Party executing such Transfer, and of the due Execution thereof; which said Clerk shall in either of the said Cases enter and register a Memorial thereof in the said Book, or some other Book hereafter to be kept for that Purpose, and shall testify and indorse the Registry of such Memorial on the said Instrument of Transfer, for which no more than Ten Shillings shall be paid, and the said Clerk is hereby required to register such Memorial accordingly; and until such Entry and Register the Purchaser of any such Annuities shall not be entitled to receive any Payment on account thereof from the said Governor and Company.

'XI. And Whereas much Inconvenience may arise by the 'Transfer of the Right and Title to the said Annuities, by the 'Marriage, Death, Bankruptcy or Insolvency of the Persons en-'titled to them, or by means other than by Assignment as herein-'before mentioned; and it may be difficult in such Cases to as-'certain to whom the Payments arising or becoming due in respect 'of such Annuities ought to be paid and do belong;' Be it therefore further enacted, That before any Person or Persons who shall claim any such Annuity or Annuities in Right of Marriage shall be entitled to receive the same, an Affidavit verifying a Copy of the Register of such Marriage, or the effect of such Register, shall be made and sworn to by some credible Person before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Governor and Company, who shall file the same, and make an Entry thereof in the Book which shall be kept for the Entry of Transfers and Sales of the said Annuities as aforesaid, for which the Sum of Five Shillings shall be charged and no more; and that before any Person or Persons who shall claim any of the said Annuities by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive any Payment thereon, the Probate of the said Will, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of such Will, verified (if required) on Oath by any Executor or Executors of such Will, or affirmed to by such Executor or Executors, in case he or they shall be Persons commonly called *Quakers*, before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, shall be transmitted to the said Clerk, who shall file and enter the same in the manner hereinbefore mentioned, upon receiving the like Sum of Five Shillings; and that in all Cases other than those hereinbefore mentioned, when the Right and Property in One or more of the said Annuity or Annuities shall pass from the original Proprietor thereof to any other Person or Persons, either as Assignees, by virtue of any Bankruptcy or Insolvency, or otherwise howsoever, an Affidavit shall be made and sworn to by One of the Assignees of such Bankrupt or Insolvent, or by One credible Person, before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the manner in which such Annuity or Annuities hath or have passed to such Person or Persons; and such Affidavit shall be transmitted to the Clerk of the said Governor and Company, who shall thereupon file

Regulations of the Property in the Annuities, in case of Death, Marriage, &c. Bankruptcy.

and enter the same, and register the Name or Names of every such new Proprietor or Proprietors in the said Book, upon being paid the Sum of Five Shillings and no more; and that in all Cases whatsoever the said Governor and Company of the *New River* shall pay the said Annuity or Annuities to the Person or Persons whose Name or Names shall be entered in such Book as the Proprietor or Proprietors thereof respectively, and shall be fully indemnified by such Payments accordingly against all Claims on the Part of any other Person or Persons whomsoever.

Perjury.

XII. And be it further enacted, That if any Person shall wilfully and corruptly make any false Affidavit or false Affirmation touching the Premises, he shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Annuities to be held upon the same Trusts as the Water-works' Shares.

XIII. And be it further enacted, That in case the said Governor and Company of the *New River* shall agree to pay any Annuity or Annuities as aforesaid, then and in such case all and every Person or Persons who now hold any of the Shares in the said *London* Bridge Waterworks, under or subject to any Trusts in favour of any other Person or Persons, shall hold the Annuity or Annuities to be agreed to be paid to him, her or them respectively, under and subject to the same Trusts.

The Governor and Company of the New River may cut the Bank, &c. of the River Thames beyond Low Water Mark, to lay Pipes therein.

XIV. And be it further enacted, That it shall be lawful for the said Governor and Company of the *New River*, by their Servants, Workmen or others, with the Approbation of the Mayor, Aldermen and Commons of the City of *London*, in Common Council assembled, first had and obtained in Writing for that Purpose (which Approbation shall not be withholden but upon reasonable Ground of Objection, to be stated in Writing, and signed by the Town Clerk of the said City of *London*; and it shall be competent to any of His Majesty's Courts at *Westminster* to decide upon the Reasonableness of such Ground of Objection), and under the Direction of the Clerk of the Works for the time being, appointed or employed by or under the Authority of the said Mayor, Aldermen and Commons, to cut or dig the Bank or Wall on either Shore of the said River *Thames* between *London* Bridge and *Blackfriars* Bridge, or not exceeding One hundred Feet from the East Side of the present Site of *London* Bridge, without the Special Leave in Writing of the said Lord Mayor, Aldermen and Commons, which shall belong to or form Part of any Lands, Tenements and Hereditaments whereof the said Governor and Company shall be Proprietors, Owners and Occupiers, or through which the said Governor and Company shall procure Leave from the Owners thereof, or other Persons entitled thereto, to carry or pass any Pipe or Pipes, or which shall form Part of any Highway or public Street; and also to cut and dig into the Shore and Bed of the said River, and to lay or drive therein a Pipe or Pipes, Trunk or Trunks, for drawing Water from the said River, and for conveying, or for admitting or receiving the same into any Reservoir or Receptacle of the said Governor and Company, for supplying Engines, Pumps, Cisterns and other Works, which the said Governor and Company shall think fit to make for obtaining any Supply of Water from the said River they may think proper; and also to construct such Works,

Works, or adopt such Means for protecting the Entrance to the said Pipe or Pipes, Trunk or Trunks, and for securing a proper Supply of Water, as shall be arranged and agreed upon by and between the said Clerk of the Works, and the Engineer or Surveyor of the said Governor and Company.

Proviso for Rights of City of London.

XV. Provided always, and it is hereby enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or take away any Right, Property or Jurisdiction of the Mayor, or the Mayor and Commonalty and Citizens of the City of *London*, to, in and upon the River of *Thames* aforesaid, whether as Conservator of the said River, or in any other respect whatsoever; nevertheless it shall be lawful as there shall be Occasion for effecting the Purposes of this Act, to cut or dig the Bank or Wall, and Shore and Bed of the River of *Thames*, with such Approbation and under such Direction as aforesaid, and to lay or drive therein a Pipe or Pipes, Trunk or Trunks for Drawing Water from the said River of *Thames*, and also to construct such Works, or adopt such Means as aforesaid.

Directing what shall be paid to the City of London for cutting into the Thames beyond low Water Mark.

XVI. And be it further enacted, That the said Governor and Company of the *New River* shall pay to the said Mayor and Commonalty and Citizens of the City of *London* the Sum of Twenty Shillings, as a Fine or Acknowledgment for the Liberty of cutting and digging the Bank or Wall and Shore and Bed of the said River of *Thames*, beyond low Water Mark, and for laying or driving therein a Pipe or Pipes, Trunk or Trunks, or for adopting such Means as aforesaid, for the Purposes aforesaid; and also pay to the said Mayor and Commonalty and Citizens of the said City, their Successors, Collectors or Assigns for ever, an annual Rent or Sum of Twenty Shillings, after the said Bank or Wall, and Shore and Bed, shall be cut and dug for the Purposes aforesaid, with such Approbation and under such Direction as aforesaid; and such annual Sum shall be paid by and may be recovered from the said Governor and Company of the *New River* by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

New River Company empowered to lay down Pipes in the Streets and over the Bridges. 57 G. 3. c. xxix.

XVII. And be it further enacted, That the said Governor and Company of the *New River*, their Successors and Assigns, shall for ever hereafter have and enjoy full and ample Powers of laying down Mains and other Pipes in any of the Streets and other Public Places in the said City of *London*, or Borough of *Southwark*, or any other Parts, as well on the Southern as on the Northern Side of the River *Thames*, which now are or might be supplied by the said Proprietors of the *London* Bridge Waterworks, under and subject to the Provisions and Regulations of an Act passed in the Fifty seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better paving, improving and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein;* and that the said Governor and Company of the *New River*, their Successors or Assigns, shall also have full Power and Authority, at their own Costs and Charges, to drive or carry One Main or Two Mains or Pipes, not exceeding Eleven Inches each in Diameter, for the Conveyance of Water over any Bridge which shall hereafter be built across the said River *Thames* instead of the present *London* Bridge, and also

over

over the present Bridge, or any temporary Bridge which may be constructed before such new Bridge shall be completed, they making good any Damage to the Pavement which may be occasioned by laying down or repairing the same: Provided always, that nothing herein contained shall be deemed or construed either to prejudice or to affirm any Right of the said Mayor and Commonalty and Citizens of the City of *London*, or any Person or Persons claiming under them, to any Rent or other Payment claimed to accrue by reason of any Licence heretofore granted by them to lay down Pipes within any of the said Places.

Proviso for the City.

XVIII. And be it further enacted, That the said Governor and Company of the *New River* shall cause to be delivered in Writing to the Vestry Clerk of every Parish within which they shall at the Time of passing this Act, or at any Time afterwards, have or lay down any Pipes by virtue of this Act, the Name and Place of Residence of the Turncock for the time being, who shall have charge of any of the Pipes or Turnings within such Parishes respectively; which Name and Place of Residence shall be painted on a Board and set up in some Place or Places within such Parishes respectively, at the Discretion of the Vestry of such Parishes.

Names of Turncocks to be given to Vestry Clerks, and set up.

XIX. Provided always, and be it further enacted, That in case the said Governor and Company of the *New River* shall be willing and desirous to abandon the Supply of any Part of the said District, and any other Persons or Bodies Corporate shall be willing to supply the Part so abandoned, then and in such case it shall be lawful for the said Governor and Company of the *New River* to receive from any such Persons or Bodies Corporate, an Annuity bearing, or *bond fide* intended to bear, such Proportion to the Sum Total of the Annuities which shall be payable to the Proprietors of the said Waterworks by the said Governor and Company of the *New River* as the Gross Water Rents ceded or relinquished by such Abandonment shall bear to the Whole of the Water Rents so made over to the said Governor and Company by the said Proprietors as aforesaid: Provided also, that nothing herein contained shall extend or be construed to extend to compel the said Governor and Company to supply the said District, or any Part thereof, in case they should be desirous of relinquishing the same, nor shall any thing herein contained extend or be construed to extend so as to give to the said Governor and Company the Right of supplying any Part of such District to the Exclusion of any other Person or Persons, Body or Bodies Corporate, other than such Persons or Bodies Corporate as are by virtue of any Act or Acts now in force excluded from supplying the same.

New River Company may give Part of Supply on Terms.

New River Company not compellable to continue Supply.

XX. And be it further enacted, That the said Governor and Company of the *New River* shall, and they are hereby required, at their own proper Costs and Charges, on or before the Expiration of Six Calendar Months next after the Estates and Effects of the Proprietors of the *London* Bridge Waterworks shall have been conveyed and transferred to them by the said Committee of Assistants, or the Survivors of them, as hereinbefore is mentioned and directed, to remove or cause to be removed all the Waterwheels, Machinery, Dams, Works and Things belonging to them, from the said River, and from the said Bridge; and that in case all the said Waterwheels, Machinery, Dams, Works and Things

The Waterwheels, &c. to be removed by the New River Company within Six Months after they become vested in them, or Corporation may remove them.

shall not be removed on the Expiration of the said Six Calendar Months, then and in such case it shall be lawful for the said Mayor, Alderman and Commons, in Common Council assembled, and they are hereby required, to remove or cause to be removed the said Waterwheels, Machinery, Dams, Works and Things, or such of them, or such Part thereof as shall not have been removed as aforesaid, and to sell and dispose of the same, or the Materials thereof, by public Sale or private Contract, for the best Price or Prices that can reasonably be obtained; and the Receipt or Receipts in Writing of the Wardens or Keepers of *London* Bridge shall be an effectual Discharge to the Purchaser or Purchasers thereof for the Monies which in such Receipts respectively shall be expressed to be received; and the Monies to be produced by such Sale or Sales shall be applied in Payment of the Costs and Expences of removing the said Waterwheels, Machinery, Dams, Works and Things; and if any Surplus shall remain, after full Payment of all such Costs and Expences, the same shall be paid to the said Governor and Company of the *New River*.

Public Act.

XXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices and others, without being specially pleaded.

Cap. cx.

An Act for making certain Roads in the Counties of *Lanark*, *Stirling* and *Dumbarton*. (*b*) [26th *July* 1822.]

[*Royal Family exempt from Toll.*]

Cap. cxi.

45 G.3. c.xcviii. 49 G.3. c.clv.

An Act for further continuing, altering and amending several Acts for the better Regulation of Lastage and Ballastage in the River *Thames*; and for enabling the Corporation of *Trinity House* of *Deptford Strond* to reduce, alter, modify, relinquish or abolish Dues payable to the said Corporation, and for other Purposes connected therewth. (*b*) [29th *July* 1822.]

Cap. cxii.

26 G.3. c.131. 47 G.3. sess.2. c. cxv. 58 G.3. c.xxviii. in part repealed.

An Act for more effectually amending certain Roads in the several Parishes of *Lambeth*, *Newington*, *Saint George Southwark*, *Bermondsey* and *Christ Church*, in the County of *Surrey*, and for watching, lighting and otherwise improving the said Roads. (*b*) [29th *July* 1822.]

[*New Trustees. Carriages, &c. attending the Royal Family exempt from Toll.*]

Cap. cxiii.

An Act for the better Regulation of the Fund, called *The Orphans' Fund*. [5th *August* 1822.]

5&6 W.&M. c.10.

'WHEREAS the Fund called *The Orphans' Fund* was established by an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for the Relief of the Orphans and other Creditors of the City of* London: And Whereas the Receipts and Disbursements of

'the said Fund are under the Management and Direction of the 'Court of Mayor and Aldermen of the City of *London*: And 'Whereas by Three Acts, one passed in the Twenty first Year 21 G. 2. c. 29. 'of the Reign of His late Majesty King *George* the Second, intituled *An Act for the further Relief of the Orphans and other 'Creditors of the City of* London, *and for other Purposes therein 'mentioned*; another in the Seventh Year of the Reign of His 7 G. 3. c. 37. 'late Majesty King *George* the Third, intituled *An Act for completing the Bridge cross the River* Thames, *from* Blackfriars *in 'the City of* London, *to the opposite Side in the County of* Surrey, *'and the Avenues thereto on the* London *Side; for redeeming the 'Tolls on the said Bridge and on* London *Bridge; for rebuilding 'the Gaol of* Newgate *in the said City; for repairing the* Royal 'Exchange *within the same; for embanking Part of the North 'Side of the said River, within certain Limits; and for further 'continuing towards those Purposes the Imposition of Six Pence* per *Chaldron or Ton of Coals and Culm imported into the Port 'of the said City, established by an Act of the Fifth and Sixth 'Years of the Reign of King* William *and Queen* Mary; *and also 'for carrying on the new Pavements in the City and Liberties of* Westminster *and Parishes adjacent, and in the Town and 'Borough of* Southwark; *and for other Purposes therein mentioned*; and the other in the Forty fourth Year of the Reign of 44 G. 3. c. xxvii. 'His said late Majesty King *George* the Third, intituled *An Act 'for raising an additional Sum of Money for carrying into Execution several Acts for widening the Entrance into the City of* London *near* Temple Bar; *for making a more commodious Street 'at* Snow Hill; *and for raising, on the Credit of the Orphans' Fund, certain Sums of Money for those Purposes; and also for 'enlarging the Powers of the said Acts*; the several Provisions 'for supporting the said Fund have been continued and augmented, and the Whole of the Rates and Charges applicable 'thereto since the Time of passing the said Act of the Seventh 'Year of the Reign of His late Majesty King *George* the Third, 'excepting the Sum of Two thousand Pounds *per Annum*, charged 'on the personal Estates of the Inhabitants of the said City by 'the first mentioned Act of the Fifth and Sixth Years of King '*William* and Queen *Mary*; and repealed by the Act of the 'Thirty fifth Year of His late Majesty King *George* the Third, are 35 G. 3. c. 126. 'continued until the Fifth Day of *July* which will be in the Year 'One thousand eight hundred and thirty seven; but the Sum of 'Ten thousand Pounds *per Annum* by the said Acts of the Fifth 'and Sixth Years of King *William* and Queen *Mary*, and the 'Twenty first Year of His said late Majesty King *George* the 'Second, charged upon or made payable out of the Revenues of 'the said City of *London*, and certain other of the Rates and 'Charges applicable to the said Fund, in the same Acts mentioned, are thereby continued till all the principal Monies 'charged upon the said Fund, with Interest for the same, shall be 'paid off and annihilated: And Whereas the said Fund hath been 'charged with the Payment of several Annuities and principal 'Sums of Money payable in respect of Monies raised for defraying the Expences of Public Works, and for other Purposes: 7 G. 3. c. 37. 'And Whereas by the said Act of the Seventh Year of the Reign § 43.

'of His said late Majesty King *George* the Third, it is enacted, 'that the Surplusses arising and to arise out of the said Fund 'should be applied, from and after the Time therein mentioned, 'and which has long since passed, at the End of every Half 'Year: And Whereas, in order to accelerate the Payment of the 'Sums of Money charged upon the said Fund, it is expedient that 'the Surplusses thereof should be applied at the End of every 'Quarter of a Year instead of the End of every Half Year: And 'Whereas it is also expedient that the Receivers of the Rates or 'Duties payable on Wines and Coals, which form Part of the said 'Fund, should be required to pay the whole of the Sums col-'lected by them respectively in respect thereof, into the Chamber 'of *London*, by Four quarterly Payments in every Year: And 'Whereas a considerable Sum of Money now remains in the 'Chamber of the said City of *London*, for the Payment of Inte-'rest due to the Orphans and other Creditors of the said City of '*London*, and of Annuities and Interest due in respect of the 'Principal Sums borrowed and raised under the Authority of the 'several Acts of Parliament passed for that Purpose, which have 'never been claimed: And Whereas it is expedient that the said 'Sum of Money and all Interest and Annuities payable from the 'said Fund called *The Orphans' Fund*, which shall hereafter re-'main unclaimed for the Space or Term of Twenty Years, should 'be applied in Aid of the said Fund; and that in case the said 'Interests or Annuities should thereafter be demanded, the same 'should be paid from the Chamber of the said City, and supplied 'out of the future Surplusses of the said Fund:' May it there-fore please Your Majesty that it may be enacted; And be it en-acted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Au-thority of the same, That from and after the passing of this Act, so much of the said Act of the Seventh Year of the Reign of His said late Majesty King *George* the Third, as directs that the Surplusses of the said Fund shall be applied at the End of every Half Year, shall be and the same is hereby repealed.

7 G.3. c.37. § 43. repealed.

Surplusses applied quarterly.

II. And be it further enacted, That from and after the passing of this Act, the Surplusses arising and to arise of the said Fund shall be applied to the Purposes to which the same are or shall be applicable, at the End of every Quarter of a Year.

Receivers of Wine and Coal Duties to pay full Amount of Duties collected by them Four Times a Year.

III. And be it further enacted, That all the Receiver or Re-ceivers, Collector or Collectors of the Rates or Duties payable in respect of Wines and Coals, forming Part of the said Fund called *The Orphans' Fund*, now appointed or hereafter to be appointed, shall, and he and they and every of them are hereby required to pay into the Chamber of the City of *London*, Four Times in every Year, that is to say, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July* and the Tenth Day of *October*, or within Ten Days after each and every of the said Days respectively, the full Amount of all such Rates and Duties as shall have become due and payable up to and including the said before mentioned Days respectively; and that the First Payments up to the Fifth Day of *July* One thousand eight hundred and twenty two, in-cluding all the Balances then in the Hands of the respective Re-

ceivers or Collectors, shall be made within Ten Days next after the passing of this Act.

Court of Aldermen may shorten Time for Payment of Duties into Chamber.

IV. Provided always, and be it further enacted, That in case it shall appear to the said Court of Mayor and Aldermen to be necessary or expedient to shorten the Time for Payment of the Monies in the Hands of such Receiver or Receivers, Collector or Collectors, into the Chamber of *London*, it shall be lawful for the said Court to make any Order in relation thereto, from time to time, as the said Court shall think proper, but so as not to extend the same at any Time beyond such quarterly Payments as hereinbefore mentioned; any thing herein contained to the contrary notwithstanding.

Interest or Annuities unclaimed for 20 Years, applied in Aid of Fund.

V. And be it further enacted, That all and every the Sum and Sums of Money arising from the said Fund, called *The Orphans' Fund*, which now have remained or shall hereafter remain, for the Space of Twenty Years, in the Chamber of the said City of *London*, for Payment of any Interest payable to the Orphans or other Creditors of the said City or the Annuities and yearly Interest payable in respect of any principal Sum or Sums of Money raised and borrowed under the Authority of any Act or Acts of Parliament passed for that Purpose, which shall not be claimed or demanded, shall from time to time be applied and appropriated for or towards the Increase of the said Fund, called *The Orphans' Fund*, and the Chamberlain of the said City is hereby directed to apply the same accordingly; any thing in any former Act contained to the contrary thereof notwithstanding.

Interest or Annuities when demanded, to be paid out of Chamber, and repaid out of future Surplusses of Fund.

VI. Provided always, and be it further enacted, That in case and when and as soon as the said Interest and Annuities which have remained or shall remain unclaimed and not demanded as aforesaid, shall be claimed and demanded, the same shall be advanced and paid out of such Monies as shall remain on account of or belonging to the *Orphans' Fund* in the Chamber of the said City, notwithstanding the Sum or Sums of Money with which the same, if claimed, would have been paid, shall have been applied for or in Increase of the said Fund; and the Sum or Sums of Money to be advanced out of the said Fund for Payment of the said Interest and Annuities shall be made good and supplied out of the future Surplusses of the said Fund; any thing hereinbefore or in any former Act contained to the contrary thereof in any wise notwithstanding.

Expences of Act how paid.

VII. And be it further enacted, That the Charges and Expences incident to and incurred in obtaining and passing this Act shall be paid by or out of the said *Orphans' Fund*.

Public Act.

VIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

Cap. cxiv.

55 G. 3. c. lxxiii.

An Act to confirm an Agreement entered into between the Trustees of the Subscribers to the *Gaelic* Chapel and the *Caledonian Asylum*, and to indemnify the Asylum against certain Covenants in an Indenture of Appointment and Bargain and Sale entered into by the said Asylum, in favour of the said Trustees, and to vest in the *Caledonian Asylum* the Fee Simple of the Messuage and Chapel described in the above Indenture.

[6th *August* 1822.]

PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

N.B. *To each of these Acts is annexed a Clause in the form following:*

"And be it further enacted, That this Act shall be printed by "the several Printers to the King's most Excellent Majesty, duly "authorized to print the Statutes of the United Kingdom; and "that a Copy thereof so printed by any of them, shall be admitted "as Evidence thereof by all Judges, Justices and others."

Cap. 1.

41 G.3. c.109. AN Act for inclosing Lands in the Manor of *Cokaynes* and *Kelars*, otherwise *Rebandyshide*, in the Parishes of *Elmstead* and *Alresford* in the County of *Essex*, being a Member or Part of the Manor of *Wivenhoe* in the said County. [3d *April* 1822.]

Cap. 2.

An Act for carrying into Execution a Contract entered into by *Christopher Fenwick* Esquire, for the Sale of certain settled Copyhold Hereditaments in the Township of *Earsdon*, within the Manor of *Tynemouth*, in the County of *Northumberland*, to the most Noble *Hugh* Duke of *Northumberland*, and for applying the Money thence arising in the Purchase of other Estates, to be settled in lieu thereof. [15th *May* 1822.]

Cap. 3.

41 G.3. c.109. 1&2 G.4. c.23. An Act for inclosing Lands in the Parishes of *Brabourne*, *Smeeth*, *Bircholt*, and *Sellinge*, in the County of *Kent*. [15th *May* 1822.]

Cap. 4.

41 G.3. c.109. 1&2 G.4. c.23. An Act for inclosing Lands within the Manor of *Seaton* in the Parish of *Camerton* in the County of *Cumberland*, and in the Parish, Township or Hamlet of *Flimby* in the said County. [15th *May* 1822.]

Cap. 5.

An Act for inclosing Lands in the Manor and Parish of *Bobbington* in the several Counties of *Stafford* and *Salop*. [15th *May* 1822.] 41 G.3. c.109. 1&2 G.4. c.23.

[*Allotments not subject to Great Tithes for Five Years from Twenty fifth March next after Proprietors take Possession.* § 32. *Right to Tithes not to be prejudiced.* § 33.]

Cap. 6.

An Act for inclosing and exonerating from Tithes Lands in the Parish of *Clifton Reynes* in the County of *Buckingham*. [15th *May* 1822.] 41 G.3. c.109. 1&2 G.4. c.23.

[*Allotment to the Rector for his Glebe Lands.* § 16. *Allotments for Tithes.* § 17. *Allotment for Glebe and Tithes of Rector to be fenced.* § 21. *Power to Rector to grant Leases.* § 30. *When and in what manner Rector's Tithes to cease.* § 31.]

Cap. 7.

An Act for inclosing Lands within the Parishes or Chapelries of *Ellingham* and *Ibsley* in the County of *Southampton*. [15th *May* 1822.] 41 G.3. c.109. 1&2 G.4. c.23.

Cap. 8.

An Act for inclosing Lands in the Parish of *Sturton*, otherwise *Sturton in the Clay*, otherwise *Sturton in the Steeple*, and in the Parish or Chapelry of *Littleborough*, otherwise *Littlebrough*, in the County of *Nottingham*, and for exonerating the same, and also the old inclosed Lands and Grounds within the said Parishes respectively, from the Payment of Tithes. [15th *May* 1822.] 41 G.3. c.109. 1&2 G.4. c.23.

[*Allotments to the Dean and Chapter of York, and to the Vicar of Sturton, for Glebe and Tithes.* § 31. *Power for the said Vicar to appeal to Umpire.* § 32. *Allotments to the Impropriator of Littleborough, for Glebe and Tithes.* § 33. *Tithes payable until Possession of Allotments delivered.* § 34. *Tithe Allotments to be fenced.* § 40. *Power to said Vicar to borrow Money for erecting Buildings and Subdivision Fences.* § 41. *Vicar, with Consent of Bishop and Patron, may lease for* 21 *Years.* § 42. *Owners of old Inclosures not having sufficient Allotment to exonerate their Tithes, to discharge them by a Money Payment.* § 44.]

Cap. 9.

An Act for inclosing Lands in the Parish of *Wingfield* in the County of *Wilts*. [15th *May* 1822.] 41 G.3. c.109. 1&2 G.4. c.23.

[*Rector's Allotments to be ring-fenced.* § 22. *Rector may, with Consent of the Bishop of the Diocese, lease his Allotment.* § 26.]

Cap. 10.

An Act for confirming certain Articles of Agreement between *George Drake* Esquire and Others, and *Samuel Parker*, and to authorize the granting of Leases of Mines in the County of *Cornwall*. [24th *May* 1822.]

Cap. 11.

An Act for vesting Part of the settled Estates of *Walter Ker* Esquire, and *Jane* his Wife, in the County of *Northumberland* (contracted to be sold to the most Noble the Duke and Earl of *Northumberland*) upon Trust to complete the Sale thereof, and to apply the Purchase Money in Discharge of a Mortgage affecting the same Estates. [24th *May* 1822.]

Cap. 12.

An Act for vesting the Lands and Barony of *Dryden*, and certain other entailed Estates of Sir *Charles Macdonald Lockhart* Baronet, in Trustees, to be sold; and for laying out the Prices thereof in the Purchase of other Lands and Estates more conveniently situated, to be entailed in a similar Manner. [24th *May* 1822.]

Cap. 13.

41 G.3. c.109. 1&2 G.4. c.23. An Act for inclosing Lands in the Township of *South Dalton*, in the Parish of *South Dalton*, in the East Riding of the County of *York*. [24th *May* 1822.]

[*Tithe Allotment to Rector.* § 25, 26. *Annual Rent to Rector as a Compensation for Tithes, how ascertained.* § 27. *Corn Rents how apportioned in case of Death, &c. of Rector.* § 28. *How Corn Rents may be apportioned.* § 30. *How Rector to recover Corn Rent.* § 31. *When Rents, &c. ascertained and paid to Rector, Tithes to cease.* § 32. *Rector's Tithe Allotments to be fenced.* § 38. *Leases at Rack Rent as shall be exchanged or discharged from Tithes, &c. to be void except Agreements to the contrary.* § 40. *Rectors may, with Consent of the Bishop of Diocese, grant Leases.* § 45. *Where Leases become void before Expiration of the Term, Rector may, with Consent of Bishop, grant a new Lease, &c.* § 46.]

Cap. 14.

41 G.3. c.109. 1&2 G.4. c.23. An Act for inclosing Lands in the Parish of *Towersey* in the County of *Buckingham*. [24th *May* 1822.]

[*Allotment to the Vicar for Tithes.* § 22. *Apportionment of the Allotments for Tithes.* § 23. *Proprietors not having sufficient open Fields, &c. to make Compensation in Money for their Tithes.* § 24. *Tithe Allotments to be ring-fenced by Proprietors of Estates, &c.* § 25. *Vicar, with Consent of Bishop of Diocese, may lease Allotments.* § 35.]

Cap. 15.

An Act for empowering the Judges of the Court of Session in *Scotland*, to sell such Part of the entailed Estate of *Ord* in the County of *Ross*, in *Scotland*, now belonging to *Thomas Mackenzie* Esquire, of *Ord*, as shall be sufficient for Payment of the Debts and Burdens affecting the same. [24th *June* 1822.]

Cap. 16.

An Act to enable the Lord Bishop of *Limerick* and his Successors to demise the Office Houses, Gardens and Demesne, situate at *Conigar* in the County of *Limerick*, belonging to the Lord Bishop of *Limerick*. [24th *June* 1822.]

[*Bishop of Limerick to let the Office Houses and Premises on Lease.* § 1. *Money received from the immediate Predecessor for Dilapidations to be laid out in improving the Lands.*]

Cap. 17.

An Act to authorize the Sale and Conveyance of Ground for the Enlargement of the Public Library and Lecture Rooms in the University of *Cambridge*, and for the Erection of an Astronomical Observatory in or near the said University, and of a Museum for the Preservation of the Pictures, Books and other Articles bequeathed to the Chancellor, Masters and Scholars of the said University by *Richard* Viscount *Fitzwilliam*, deceased. [24th *June* 1822.]

Cap. 18.

An Act for enabling the Trustee under the Will of the late *William Tuffnell* Esquire, to reduce the Fines for the Copyholds held of the Manor of *Barnersbury*, devised by his Will, as an Encouragement to the Tenants to build thereon; to grant Building and Repairing Leases of the devised Estates, and for other Purposes. [24th *June* 1822.]

Cap. 19.

An Act to enable the Master or Guardian of the Charity called *Plumptre Hospital*, in the Town of *Nottingham*, to sell Part of the Estate belonging to the said Charity, and to apply the Money arising therefrom in manner therein mentioned; and to raise Money by Mortgage of the Residue of the said Charity Estate, and to grant Building or Repairing Leases thereof. [24th *June* 1822.]

Cap. 20.

An Act for effecting an Exchange of Lands between the Right Honourable *Richard William Penn* Earl *Howe* and the Master and Fellows of *Catherine Hall*, in the University of *Cambridge*. [24th *June* 1822.]

Cap. 21.

An Act for restraining the Bishop of *Saint David's* and his Successors from granting Leases of the Tythes of *Llangammarch* in the County of *Brecknock*, *Llangevelach* in the County of *Glamorgan*, *Llangadoch* in the County of *Carmarthen*, and *Glascomb* in the County of *Radnor*, beyond the Term therein mentioned; and for annexing the Tithes of the Consolidated Living of *Llanarth* and *Llanina* to the Possessions of the said See, allowing One third of the Annual Profits thereof to the Vicar. [24th *June* 1822.]

[*The Bishop of Saint David's may grant Leases of certain Tithes for Three Years, &c.* § 1. *Tithes of Llanarth and Llanina to be annexed to the See of Saint David's, but without Power of Leasing.* § 2.]

Cap. 22.

An Act for carrying into effect a Partition of Real Estates devised by the Will of *John Bacon* Esquire, and other Purposes relating to such Estates. [24th *June* 1822.]

Cap. 23.

An Act for modifying and extending the Purposes specified in a Deed of Destination, executed by *Andrew Fletcher* and *John Mackenzie* Esquires; and for building and establishing an Hospital for destitute Children in the City of *Edinburgh*. [24th *June* 1822.]

Cap. 24.

An Act for empowering Trustees to sell and convey Part of the Freehold and Copyhold Estates in the County of *York*, devised by the Will of *Beilby Thompson* Esquire, deceased, and Part of the Freehold Estates in the same County, devised by the Will of *Richard Thompson* Esquire, deceased; and for laying out the Money arising from such Sales respectively, under the Direction of the High Court of Chancery, in the Purchase of other Estates to be settled to the same Uses. [24th *June* 1822.]

Cap. 25.

An Act for vesting Part of the devised Estates of *Thomas Barrett* Esquire, deceased, in the Counties of *Kent* and *Surrey*, in Trustees to be sold; and for laying out the clear Money arising therefrom (under the Direction of the Court of Chancery) in the Purchase of other Estates, to be settled to the same Uses. [24th *June* 1822.]

Cap. 26.

41 G. 3. c. cxx. in part repealed.

An Act to alter and amend an Act of the Forty first Year of the Reign of His late Majesty King *George* the Third, for the Establishment of Schools for the Education of poor Children in the County Palatine of *Durham*. [24th *June* 1822.]

Cap. 27.

An Act to enable the Ministers of the Parish of *Saint Cuthbert's, Edinburgh*, in the County of *Mid Lothian*, to feu their Glebe Lands lying in the said Parish. [24th *June* 1822.]

Cap. 28.

41 G. 3. c. 109. 1 & 2 G. 4. c. 23.

An Act for inclosing a certain Common or Tract of Waste Land called *Burlish Common*, in the Manor and Chapelry of *Lower Mitton*, in the Parish of *Kidderminster*, in the County of *Worcester*. [24th *June* 1822.]

[*Vicar's Allotments to be ring-fenced.* § 25. *Vicar, with Consent of the Bishop of the Diocese, may grant Leases.* § 28.]

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An Act for dividing and inclosing the Common Waste and uninclosed Lands within the Manor and Township of *Dringhouses*, in the County of the City of *York*; and for extinguishing the Rights of Stray and Average over certain Lands, called *Half Year Lands*, situate within the Townships of *Dringhouses*, *Middlethorpe* and *Clementhorpe*, in the said County of the City, and within such Parts of the Suburbs of the City of *York*, as are comprised in the Division of the same City called *Micklegate Ward*. [24th *June* 1822.] 41 G.3. c.109. 1&2 G.4. c.23.

Cap. 30.

An Act for dividing, allotting and inclosing Lands in the Parish of *Dinton* in the County of *Wilts*. [24th *June* 1822.] 41 G.3. c.109. 1&2 G.4. c. 23.

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